



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

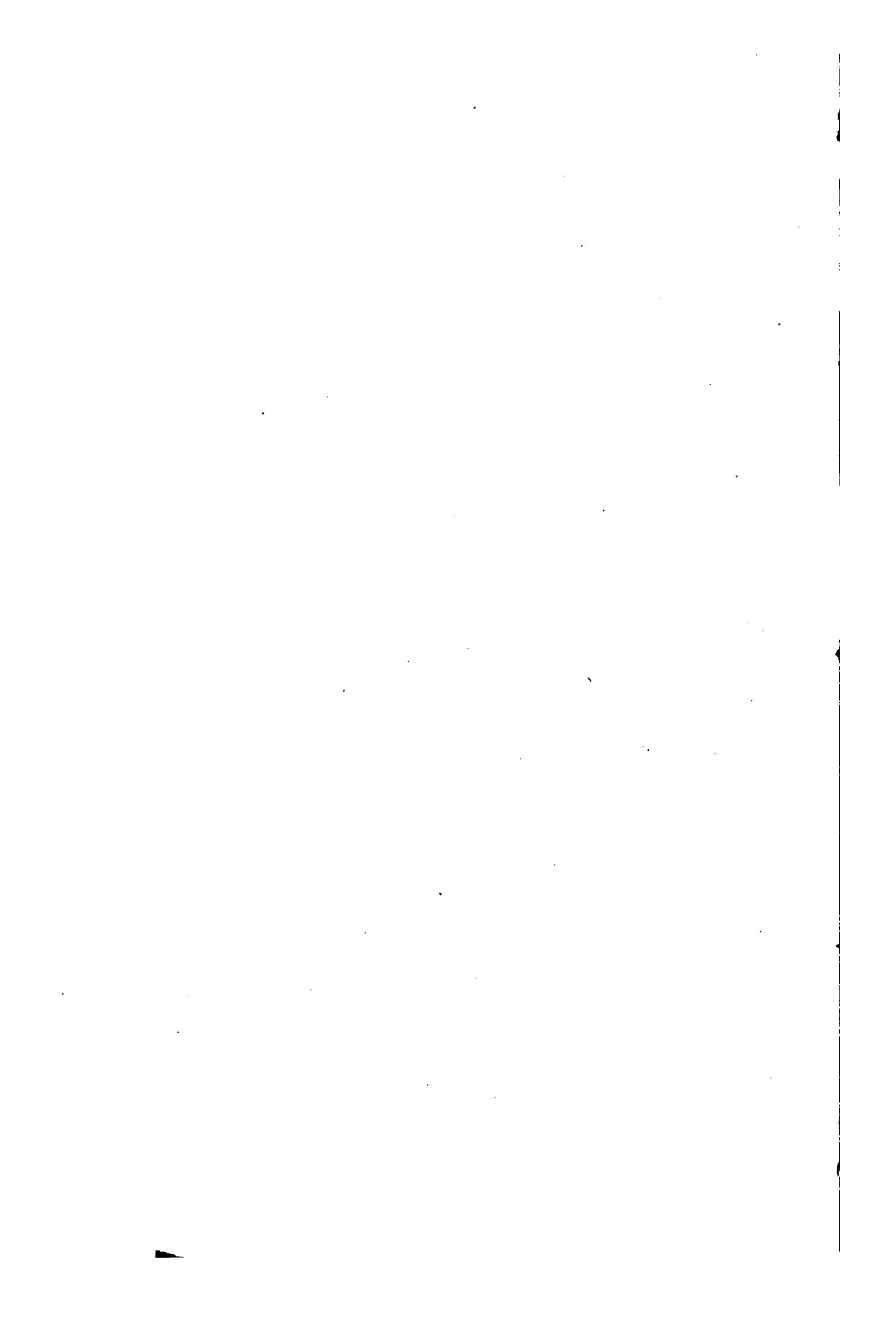




Class JT9525

Book 1910







1

=

# GOVERNMENT OF ALASKA

---

## STATEMENTS

BEFORE THE COMMITTEE ON TERRITORIES  
UNITED STATES SENATE

ON THE BILL

S. 5436

TO CREATE A LEGISLATIVE COUNCIL IN  
THE DISTRICT OF ALASKA, TO CONFER  
LEGISLATIVE POWERS THEREON  
AND FOR OTHER PURPOSES

---

WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1910

JK9525  
1910

FEB 4 1910  
B. OF D.

## GOVERNMENT OF ALASKA.

THURSDAY, JANUARY 20, 1910.

The committee met at 10.30 a. m.

Present: Senators Beveridge (chairman), Dillingham, Nelson, Burnham, Kean, Dick, Piles, Clarke, of Arkansas, Frazier, Owen, and Hughes.

Hon. James Wickersham, Delegate in Congress from Alaska, appeared.

### STATEMENT OF HON. JAMES WICKERSHAM.

**Mr. WICKERSHAM.** Gentlemen of the committee, the inquiry at this time is in reference to Senate bill 5436, introduced by Senator Beveridge, which is said to represent the wishes of the President in respect to a form of government to be given to the Territory of Alaska.

One of the Senators this morning has suggested that we have a very small population in that country, scattered over a very large area. I wish to say to the committee that in my judgment we have about 50,000 white people in the Territory of Alaska, and the census gives us 35,000 Indians. So, there are more than 75,000 people in the Territory.

It is true it is a large country, and it is also true that those people have been living in that country now very largely for forty-three years. The towns of Sitka, Juneau, Ketchikan, Fairbanks, Nome, and a dozen other towns of that kind are well settled, well established, well built, and filled with churches and schools, with electric lights and everything which goes with civilization.

As I stated to the committee yesterday, we have in the Territory of Alaska the immense Tanana Valley, an area of country larger than many States of the Union, of the finest possible agricultural land, in which men are now settling, and in a short time there will be a large farming population there. We raise fine crops, and as soon as we get communication with the outside world so that our products can be carried out, we will not only be able to produce everything that now goes into Alaska, but will even have everything to supply people outside on the coast.

So, it is a mistake when gentlemen think that Alaska is a barren country. It is a magnificent agricultural country. It is a magnificent country in its great natural resources. We have more coal, as I said to you yesterday, than Pennsylvania, Ohio, and West Virginia; we have more copper than Montana and Arizona; we have more gold than California and Colorado; and we have more fish

than all the balance of the world put together. We have unlimited resources.

Senator CLARKE, of Arkansas. Those things can be said very glibly. What evidence have you to prove it?

Mr. WICKERSHAM. The evidence of the United States Geological Survey, and information most accurate and systematic as to the agricultural resources. I have myself lived in that Territory for ten years. I have seen the crops growing, and I have raised them myself and know all about it.

Senator DICK. What are you raising there?

Mr. WICKERSHAM. All kinds of vegetables. Potatoes, cabbages, turnips, rutabagas, celery, and everything of that kind grow in the gardens. We raise oats and winter wheat. The agricultural capacity of the country seems to be surprisingly unlimited.

Senator CLARKE, of Arkansas. Those grow for a few months in the year?

Mr. WICKERSHAM. Yes, sir; and in that season of the year we have all daylight, so we have two hours for growing to almost your one in this portion of the country. The season is doubled in its length.

Senator DICK. Have you any opportunity there for grazing?

Mr. WICKERSHAM. Yes; there is an immense opportunity there for grazing. I have some letters, which I regret I have not here this moment, from people who are engaged in that particular class of business and from some of the farmers.

Senator DILLINGHAM. I suggest that in order that we may not detain the Judge, who is limited in time, we allow him to put all public reports in the record in support of his statement, and they will be printed.

The CHAIRMAN. They were introduced yesterday afternoon.

Senator CLARKE, of Arkansas. Reports of the weather bureau and things of that kind?

Mr. WICKERSHAM. I do not want to put in anything except what is absolutely fair and true. I have been elected to represent the people of Alaska. I know what the situation is up there, and I want to represent them fairly. I want to disclose to the committee honestly what the situation is up there. There is no difficulty in doing it from the records.

The CHAIRMAN. Very well.

(The matter submitted by Mr. Wickersham is as follows:)

[Telegram to President Taft signed by eleven daily and five weekly newspapers, the mayors of all incorporated towns, and the chief executive officers of commercial bodies in the Territory of Alaska.]

FAIRBANKS, ALASKA, September 25, 1909.

WILLIAM H. TAFT,

President of the United States, Seattle, Wash.

A united press and people of Alaska, in aid of constructive legislation for the creation of a government by the people in this Territory and in aid of the development of its natural resources, respectfully request you to recommend in your next message to Congress and give your support to the creation of an elective Alaskan legislature in substantial conformity to Delegate Wickersham's bill introduced at the recent special session of Congress.

Newspapers: Fairbanks Daily News Miner; Fairbanks Daily Times; Daily Nome Gold Digger, Nome; Nome Daily Nugget, Nome; Skagway Alaskan, Skagway; Daily Miner, Ketchikan; Daily Alaska Dispatch, Juneau; Pioneer Press, Haines; Seward Gateway, Seward; Hot Springs Echo, Hot Springs; Tanana Leader, Fort Gibbon; Valdez Prospector, Valdez; Cordova North Star,

Cordova; Tanana Miner, Chena; Daily Tanana Tribune, Fairbanks; Douglas Island News, Douglas.

Mayors: E. Valentine, mayor, Juneau; W. B. Watts, mayor, Nome; L. Tonseth, mayor, Chena; L. Archibald, mayor, Valdez; C. Ott, mayor, Eagle; H. Ashley, mayor, Skagway; Joseph H. Smith, mayor, Fairbanks.

E. O. Smith, president Sitka Chamber of Commerce; F. G. Hale, president Seward Chamber of Commerce.

[Editorial from the Seward (Alaska) Daily Gateway, December 11, 1909.]

NO COMMISSION WANTED.

President Taft could hardly have chosen a more direct way in which to call forth the criticism of Alaskans than by his proposal to appoint a commission to govern the Territory. The people of Alaska have suffered much from the lack of proper laws and from unwise legislation that has been enacted by a Congress of the United States, which, in some instances, has been densely ignorant of the needs of the people who are developing the country, and in others grossly indifferent. There is a feeling, however, that they would rather bear the ills they have than to take the chances of greater ones growing out of a government by a commission. A commission has been tried upon the Filipinos, but the intelligent Alaskan very much objects to being classed with those people and being subjected to a paternal, not to say, infernal, kind of government that might possibly have some advantages for the untutored savage.

There may be some plausible reasons why Congress does not want to grant home rule to the people of the Territory in its present state of development, but may the good Lord deliver us from having a commission foisted upon us, which would be likely to be more ignorant of the needs of the Territory or more indifferent to its interests than Congress has shown itself to have been in the past.

[Platforms of various political parties of Alaska in the election of a Delegate to the House of Representatives, August, 1909.]

PLATFORM OF JAMES WICKERSHAM, REPUBLICAN.

I shall stand for (1) President Roosevelt's recommendation that "some form of local self-government should be provided, as simple and inexpensive as possible," for Alaska; (2) for an elective territorial legislature, with carefully limited powers.

PLATFORM OF JOHN CARSON, REPUBLICAN.

*Urge home rule.*

Second. We believe that Alaska is entitled to all the benefits of the ordinance of 1787, and we demand the extension of that patriotic compact to the management and control of this Territory in order that the people of Alaska may have a voice in their own affairs.

PLATFORM OF THE DEMOCRATIC PARTY.

*Home rule.*

First. We regard the establishment of a suitable form of government for the Territory of Alaska the question of foremost importance, and to that end we submit the following:

We demand the enactment of some simple and inexpensive form of local self-government for Alaska on lines sufficiently guarding and restricting the number of subdivisions in which the Territory may be subdivided; this to the end that the property rights within the district so provided with an organic law may be, in all respects, perfectly safeguarded and protected to the fullest extent compatible with good government.

We condemn the plank in the Republican platform asking for the extension of the ordinance of 1787 to Alaska for the reason that the form of government

provided for in that ordinance is wholly inapplicable to the existing conditions in Alaska, and for the further reason that said plank is meaningless and deceptive, and was placed in the Republican platform, evidently, for no other purpose than to deceive the voters of the Territory.

## PLATFORM OF THE LABOR PARTY.

We desire the enactment of laws to cover the following resolutions:

(1) A territorial form of government for Alaska under which her citizens may enjoy that degree of freedom to which all Americans are justly entitled.

[Letter of Mr. William Young, of Fairbanks, Alaska, showing the agricultural possibilities of the Tanana Valley of Alaska.]

FAIRBANKS, ALASKA, November 8, 1909.

Hon. JAMES WICKERSHAM,  
*Delegate to Congress, Fairbanks, Alaska.*

MY DEAR JUDGE: In answer to your suggestion that I write you a letter about my farming operations I take pleasure in doing so. When you and Mr. Joslin and Mr. Birch and Mr. White were at my place last fall I had not begun to take in my crops, but since then I have done so. I had 3 acres of potatoes, and they yielded me 18 tons, and the market price was \$120 per ton, for which I sold most of them. I had 1 acre of beets, on which I had a crop of 8 tons; 2 acres of carrots, which yielded me  $7\frac{1}{2}$  tons, with a market price of \$140 per ton; 1 acre of turnips, from which I gathered 200 sacks of 80 pounds to the sack, or 8 tons, at \$80 per ton. I had  $2\frac{1}{2}$  tons of ruta-bagas upon one-fourth of an acre of ground, for which the market price was \$100 per ton. I had 1 ton of red beets on one-quarter of an acre of ground, at \$140 per ton. I had 15 acres of barley, which I cut and sold for hay. I had  $3\frac{1}{2}$  tons, which I sold for \$75 per ton, and still have enough left to fill my barn chuck full for my own use for the winter. I raised 2 tons of cabbages, which I put away for the winter, besides which I sold between  $3\frac{1}{2}$  and 4 tons during the summer at an average selling price of \$140 per ton.

I raised 29 sucking pigs, also 13 pigs which weighed about 100 pounds each, and 23 big hogs. I sold 5 of my hogs to the butcher for \$60 each.

This fall I put in 6 acres of winter wheat, Bluestem, which I sowed the second week in August, and before the snow came in October the wheat was up 2 or 3 inches high, and I never saw a better stand of wheat anywhere. I have raised good winter wheat, barley, and oats, and all kinds of garden vegetables, and in my judgment, as a farmer of more than thirty years' experience, the Tanana Valley is a first-class agricultural country.

My farm is near the river, and is perfectly level. The soil is a sandy loam and is very rich, made up of sediment and silt and sand brought down by the river in ages gone by. The Tanana Valley opposite my farm is 60 miles wide, and there are probably 5,000,000 acres of as good ground as mine in this vicinity. I know from six years' experience on this farm that farming can be made entirely successful, and that this valley can be made to produce everything which can be raised in Minnesota and the Dakotas, and that there is no valley in the North so wide and rich and variable for agricultural purposes as the Tanana Valley.

I have several neighbors immediately around the town of Fairbanks who are engaged in successful farming, and we have in the last year raised almost enough to supply the local market, and there is no question hereafter that the whole local market in the Tanana mines can be supplied from our farms and gardens.

Respectfully,

Wm. Young.

[Letter of Mr. William Waechter, showing the adaptability of Alaska to farming and stock raising.]

FAIRBANKS, ALASKA, November 8, 1909.

Hon. JAMES WICKERSHAM,  
*Delegate to Congress, Fairbanks, Alaska.*

DEAR SIR: I was born and raised in northern Germany, on the Weser, and, my parents being landowners, farmers, and stock raisers, I learned the farming

and stock-raising business thoroughly. At the age of 18 I left Germany for the United States and landed at New York. From there I went to Ohio, then to Illinois, and from Illinois I went to Nebraska, in which State I farmed and raised stock for eighteen years, principally in the southern part of the State. From Nebraska I went to the State of Washington, where I engaged exclusively in the stock business—buying, selling, and shipping stock.

In 1897, at the time of the rush to the Klondike, I started for Dawson with 135 steers and 40 horses, but did not reach Dawson until 1898. I have been shipping stock to different parts of Alaska ever since. In 1900 I shipped stock to Nome and also to other parts of Alaska, and have traveled overland with cattle from Valdez to Fairbanks for the past seven years. I have visited the Aleutian Islands and have been on almost every one of the islands of that group, and I find that Alaska is a great country for its climate, grasses, and different kinds of small grain, such as oats, barley, and all kinds of vegetables.

I contended when I first landed at Haines mission, in 1897, that Alaska would be a farming and stock-raising country, and I am more and more convinced of that fact as I travel through the different parts of the country.

Owing to the big fire at Fairbanks, I have not been in and around Fairbanks for four years, and I was very much surprised when I came here last September that the country surrounding Fairbanks had been turned into a farming and gardening community.

I came here this last time with cattle and hogs, and found that they raise as fine barley as I ever saw in any of the States where I have farmed heretofore. I bought barley, oats, and hay here from Mr. William Young, which he raised on his farm just north of the town, to feed my cattle, and found it to be well filled with good matured and well-ripened grain. I saw as fine potatoes here this fall as I have ever seen anywhere in the States. Cabbage, ruta-bagas, turnips, and carrots can not be beat in any of the States, and I believe that sweet potatoes will be raised here in the near future. The raising of hay has proven to be a success. I also find a lot of chickens are being raised in and about Fairbanks for the local market.

Respectfully,

W.M. WAECHTER.

[Telegram and letters of protest against taking the census of Alaska in December, 1909, in violation of section 20 of the census statute of 1909.]

FAIRBANKS, ALASKA, October 7, 1909.

SECRETARY COMMERCE AND LABOR,

Washington, D. C.:

Am informed enumeration population Alaska will be begun January 1. Respectfully request same be deferred under section 20, act July 2, last, because more than one-quarter permanent population Fairbanks and Nome regions outside Seattle-Alaska Exposition and on business and will not return interior until March and Nome in June. January census great damage to Alaska and seems violation section 20, act Thirteenth Census. Please advise me your action.

JAMES WICKERSHAM,  
Delegate from Alaska.

FAIRBANKS, ALASKA, December 14, 1909.

Hon. WALTER E. CLARK,

Governor of Alaska, Juneau, Alaska.

MY DEAR SIR: The twentieth section of the census act of March 4, 1909, providing for taking the enumeration of the population of the United States, specifically provides that the enumerators shall begin that work on or after April 15, 1910, but in Alaska that law is being violated by the enumeration of the population in some sections, and particularly in the Juneau and Fairbanks sections, in the month of December, 1909.

In my conversation with you some days ago at Juneau I called your attention to this violation of the federal statute, and stated to you the reasons why such violation was an injury to the territory and people of Alaska. Without repeating these reasons now, and in compliance with our understanding that I would reduce my objection to writing, I do now respectfully protest against this admitted violation of the act of Congress in thus taking the census of Alaska months in advance of the time fixed by law, and I appeal to you as the gov-

ernor of Alaska, charged with the interests of the United States Government therein, and to your statutory authority to see that the laws enacted are enforced and that officials appointed to administer the same faithfully discharge that duty, to cause the enumeration of the population of Alaska to be made by these officials at the time provided by law in the twentieth section of the aforesaid act of Congress on or after April 20, 1910, when at least a portion of our absentee population, which is now in the States, shall have returned to the territory.

Respectfully,

JAMES WICKERSHAM.

HOUSE OF REPRESENTATIVES,  
Washington, January 18, 1910.

Hon. E. DANA DURAND,

*Director of the Census, Washington, D. C.*

SIR: Your letter of the 15th instant received. I call your special attention to the figures which you give for the movement of people to and from Alaska in January, February, and March, 1909, as follows:

Month.	Into Alaska.	Out of Alaska.
January.....	655	476
February.....	1,398	600
March.....	2,631	549
Total.....	4,684	1,625

If the census of Alaska had been taken on April 1, 1909, Alaska would have gained in its enumeration over January 1 the difference between the outgoing and incoming figures given by you—3,059 persons.

Conceding for the sake of argument—for it is not a fact—that the estimated population of white people in Alaska in 1908 numbered only 31,000, it is thus demonstrated that 10 per cent of the white population would have been omitted by an enumeration taken in December, 1908. And the same, only a more serious result necessarily followed when you took the census in Alaska in December, 1909, instead of April 15, 1910, and for this reason:

We have no means of transportation in Alaska except on the rivers in summer and over the snow trails in winter. On the last boats going out in the fall thousands of people go to the States on business, and in January, February, March, and April they go back to the interior over the snow trails. This movement is annual and is the one general business movement of the interior population, carrying in supplies for the next year and the influx of new population. The year 1909 saw a greater volume of travel outside than any other year. The Alaska-Yukon-Pacific Exposition, at Seattle, induced thousands to go who would not otherwise have gone. They went out on the last boats in September and can not return, owing to climatic conditions and the want of transportation facilities, till after January, 1910. After the Government had thus induced them to go and see the Alaska-Yukon-Pacific Exposition, suddenly, without notice, and in violation of the federal census statute, you took the census in December, 1909.

During the months of November and December a fierce rate war was carried on between certain steamship lines in southeastern Alaska; passenger rates were cut to a small and merely nominal sum, and many hundred people took advantage of these reduced rates to go to Seattle and outside for a few weeks. Just when the greatest number had gone, and before any had returned, and without warning, the enumeration was made in December. A heavy movement went out from Nome on the last boats in September and can not return until June, owing to that port being closed by ice. For these reasons the December, 1909, enumeration in Alaska was a much greater injury to Alaska than could happen at any other season, or in any other year. In your letter you show that during the year 1909 the total movement in Alaska, as shown by the reports of steamship lines, was as follows:

Southward bound.....	27,436
Northward bound.....	24,903
Excess southward.....	2,533

The total movement shown by these figures is very misleading, because it was almost wholly made up of tourists drawn to the coast by the Alaska-Yukon-Pacific Exposition held at Seattle, who took the round trip to southeastern Alaska. They were not a part of the population of Alaska. However, the excess of 2,533 is composed of the annual movement from the interior, which, with the annual new increase of population, will go into Alaska in January to April, 1910, and would thus be counted to our credit and not against us if the census had been taken in April, 1910, when the law requires it, instead of in December, 1909, in violation of the law.

If you were to take the census of Alaska in April, 1910, at the time fixed by law, you would, on account of local conditions and the great area of the Territory, not be able to enumerate the total population by at least 10 per cent, but by the enumeration which you caused to be made in December, 1909, in violation of law, we will lose from 20 to 25 per cent in the enumeration of the entire white population.

You suggest that the admitted losses by the unauthorized enumeration of December, 1909, be corrected by stationing agents of your bureau at seven of the southern ports in Alaska, and adding to the enumeration those who may return to Alaska before April 15, 1910. The objection to that is that two months have now gone by since the census was taken in the latter part of November and the 1st of December, 1909, and that there is a coast line of 10,000 miles with dozens of other open ports into which this returning portion of our people go, and that such a makeshift correction could, at best, be only approximate, and could not be reasonably accurate.

You also kindly suggest that if I wish to discuss the matter with you personally, a conference will be arranged to suit my convenience. In my judgment there is but one thing to do, and that is to take the census of Alaska fairly and legally in accordance with the federal statute approved July 2, 1909. You may not recall the fact, but on June 19 last, in company with Gov. Walter E. Clark, I called on you and protested against taking the census of Alaska through the bureau of education officials in that Territory. In spite of our protests and in violation of law, you did so take this census in December, 1909, and I do now protest, as the Delegate from Alaska, against its illegality and incompetency.

Respectfully,

JAMES WICKERSHAM,  
Delegate from Alaska.

[Extracts from speech of Hon. J. Warren Keifer, of Ohio, in the House of Representatives, the committee having under consideration the bill (H. R. 12316) to provide for the government of the Canal Zone.]

#### PANAMA CANAL ZONE.

Who shall make laws therefor? Shall they be legislative or monarchical?

"The Constitution of the United States recognizes no law not of representative origin."

\* \* \* \* \*

I now briefly summarize some of the propositions I have adverted to, and I will make some quotations from decisions of our Supreme Court. I will not occupy time with the rules as to the acquisition of territory by the United States, nor over the ultimate purpose of territorial government. The curious on these matters might examine *Shively v. Bowlby* (152 U. S., 1; 28 Am. Ency. of Law, p. 57) :

"The Territories are as much a part of the United States as are the States. (28 Am. and Eng. s. p. 57, III.)

"It (United States) is the name given to our great Republic, which is composed of States and Territories.

"The District of Columbia or territory west of the Missouri is not less within the United States than Maryland or Pennsylvania. (*Soughborough v. Blake*, 5 Wheaton, 317. Quoted in *Downer v. Bidwell*, 188 U. S., 353.)

"Settlers in United States Territories not organized 'take with them, as their birthright, the principles of the common law so far as suited to their condition in their new home.' (*Shively v. Bowlby*, 152 U. S., 52; *Van Ness v. Pacard*, 2 Peters, 137, 144; 28 Am. and Eng. Ency., pp. 56, 58, N. 3. See also *McCulloch v. Maryland*, 4 Wheaton, 316, 408.)"

So long as any territory of the United States remains unorganized by proper congressional legislation it is solely subject to United States law, with such rights guaranteed to its citizens as free people as inhere in them by the common law and as the Constitution of the United States secures to all citizens of our Republic.

The provisions of the Constitution of the United States include the Territories as well as the States. These provisions secure to the Territories and the people resident therein a republican form of government, right to have laws passed by a duly organized legislative body, and to enjoy all the privileges and guarantees the Constitution provides for citizens resident in the several States. The Constitution of the United States recognizes no law not of representative origin.

Chief Justice Fuller, in a comparatively recent case, reviews and cites the many cases decided by the Supreme Court of the United States holding this doctrine. They are all in harmony.

See *Downes v. Bidwell*, 182 U. S., 354-386;

"The Government of the United States was born of the Constitution.

\* \* \* \* \*

"Congress may govern the Territories, either mediately or immediately, either by the creation of a territorial government, with power to legislate for the Territory, subject to such limitations and restrictions as Congress may impose on it, or by the passage of laws directly operating upon the Territory without the intervention of the subordinate government. (28 Am. and Eng. Ency. of Law, p. 594, cases cited N. 3.)"

In either case it must be through a representative legislature.

When a Territory is organized it becomes, in some sense, a separate entity, and may possess legislative powers based on representative right which belong to its residents as self-governing citizens, not derived from congressionally delegated legislative powers.

In a certain sense Congress, by a territorial organic act, provides for or creates and sets in motion a territorial legislature which, subject to constitutional and lawful restrictions and limitations, may make laws for the government of the Territory and its people.

Under the Constitution of the United States all laws must be of a representative legislative origin. Laws for a Territory must be made by Congress or by a territorial legislature popularly chosen.

An organic territorial act takes the place, under the constitution, of Congress, and, in some sense, the Constitution of the United States, though subject to its fundamental provisions. (28 Am. and Eng. Ency. of Law, p. 59 and N. 4; *Ferris v. Higley*, 20 Wall., 375; *Bank v. Yankton*, 101 U. S., 129; *Bank v. Iowa*, 12 How., 1.)

A territorial legislature acts on its own, not a delegated, legislative power. Its power is derived from territorial citizenship, and it extends to "all rightful subjects of legislation consistent with the Constitution and laws of the United States and the organic act of the Territory." Its power and action must be consistent with the natural freedom of the citizens of the United States residing within its limits, being such rights as we have seen they take with them to the United States Territories or whithersoever they may go within United States boundaries. (28 Am. and Eng. Ency., p. 6 (2).)

If Congress grants territorial government, it must be representative and republican in form—not monarchical.

"What are rightful subjects of legislation must be determined by an examination of the subjects upon which legislatures are in the practice of acting, with the consent and approval of the people they represent. (29 Am. and Eng. Ency., p. 60 and N. 5; *Maynard v. Hill*, 125 U. S., 190, 204.)"

Citizens of the United States residents of Territories are yet under the protection of the Constitution of the United States and under its shield. They possess the rights secured to them by the tenth amendment to the Constitution, which reads:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people."

The basic principle of *Magna Charta*, wrung from King John on the meadows of Runnymede, June 15, 1215, was the recognition of the individual as well as the collective inherent rights of the people.

What their own chosen legislators may do in an organized Territory is in harmony with self-government within their reserved powers. Being citizens of

the United States, as we have seen, protected in all their natural rights and those granted to them by the Constitution and incident to our free form of self-government, there can be nowhere found any right, constitutional or other right, to authorize one individual, not even chosen by them, to make laws for their government affecting their peaceable enjoyment of life, liberty, and property. What may be done by a legislative body chosen by the people of a Territory formed under an organic act of Congress, restrained and limited by the Constitution of the United States and in harmony with usual legislative action and confined to rightful subjects of legislation, is in no way a precedent for individual legislation by the President or his appointee.

"The territorial legislature is a creature of Congress. (28 Am. and Eng. Ency., p. 59.)"

But Congress by a territorial organic act "delegates none of its sovereign authority." Nor does it surrender any of its legislative authority or power. This it can not do in any instance to any authority. (28 Am. and Eng. Ency., p. 59, N. 6.)

I quote again from the Supreme Court of the United States:

"The theory upon which the various governments for portions of the territory of the United States have been organized have ever been that of leaving to the inhabitants all the powers of self-government consistent with the supremacy and supervision of national authority and with certain fundamental principles established by Congress. (*Clinton v. Englebrecht*, 13 Wall.; 80 U. S., 484. Syllabus 3. Utah case.)

"The legislative power of said Territory (Utah) shall extend to all subjects of legislation consistent with the Constitution of the United States. (80 U. S., 444.)"

It will be kept in mind that this bill, section 2, proposes to surrender all the authority of the United States, as well as that of Congress, to the President of the United States, and also to empower him to pass along all the power, without restriction, of both the United States and Congress to such person or persons as he may appoint.

The language of the bill granting away the powers of the United States and of Congress is that—

"All the military, civil, and judicial powers of the United States in the Canal Zone, including the power to make all laws, rules, and regulations necessary for the government of the Canal Zone, and all the rights, powers, and authority granted to the United States by the terms of the treaty \* \* \* shall be vested in the President or such person or persons as the President shall from time to time designate, detail, or appoint."

To enact this into law will violate all the fundamental principles of government of our Republic and install a piece of monarchical power not even permitted under the limited monarchy of England, and not even assumed to be exercised by the most absolute of autocracies. The Czar of Russia may decree laws, though he is fast submitting to limitations on his decrees, but he has never assumed to delegate to another person any such power as is proposed by this bill. Warren Hastings, in his government of India, was not charged with the exercise of any arbitrary power at all approaching in enormity that here proposed to be granted to a single individual. Nothing is reserved in this bill to the people to be exercised in their representative capacity, not even such rights as inhere in them as citizens of the United States and belong to them by nature and as are guaranteed to them by the Constitution of the United States, nor is the individual, I repeat, to be restrained by the Constitution of the United States or by the principles of the common law.

Legislative powers of Congress can not be delegated by it. (10 Wall., 50; 10 Wheat., 1, 51; 143 U. S., 649; 1 Ohio Stats., 77.)

[Letter to Secretary of War protesting against Major Richardson's activity in Alaskan legislation.]

JANUARY 20, 1910.

HON. J. M. DICKINSON.

*A. J. M. DICKINSON,  
Secretary of War, Washington, D. C.*

SIR: On March 20 last the President approved an order issued by the Secretary of the Interior that—

"Under the administration of Secretary Ballinger of the affairs relating to Territories the territorial officers will be expected to devote their time exclu-

sively to the duties of their respective offices, and leaves of absence to enable such officers to visit Washington will not be approved by the Secretary, except in cases of emergency, the reasons for which must be satisfactory to the department."

Much irritation had formerly arisen between the Delegate and the governor of Alaska, who was then in Washington, where he had spent his previous winters, interfering with legislation which the Delegate was endeavoring to secure for the Territory. The governor was sent home, and it was promised that no more interference of that kind would be allowed.

Now, however, the order of the President is violated in a highly more harmful degree by another territorial officer from Alaska, but one connected with the War Department. Maj. W. P. Richardson is the chairman of the Alaska road commission, especially assigned from the regular army for that work. He has spent his winters for some years in Washington, without occasioning remark, gently lobbying for his special work in Alaska, but this winter he has arrogated to himself the duty of controlling general legislation for Alaska in a way which I decidedly resent.

Herewith I hand you a letter-press copy (letter-press pages 985-997) of a bill for the creation of the "Alaska railway commission," which Major Richardson gave me some ten days ago. He knew that I favored some form of government aid to railroads in Alaska. I did not examine it for some days, but when I did I was astonished to find in it a scheme to perpetuate Major Richardson and his Alaska road commission. But my surprise was even greater when I found a clause in section 20 (letter-press page 996), providing:

"\* \* \* further, That any corporation having a contract to construct a line of railway under the provisions of this act, to or through any coal field, may select and (purchase) lease from the Government, at the rate of ten dollars per acre, five thousand acres of any coal lands in said fields that are not already legally held by bona fide locators; the product thereof to be used in operating its railway and for sale to the public, \* \* \*."

In view of the fact that there might be as many contracts let as the commission might approve, and that the valuable Cunningham and other groups of coal lands might be abandoned as illegal and immediately taken under this bill by the Guggenheim and other roads, it seemed to me to open the door to despoiling the Government and enriching the Guggenheims and their allies. Major Richardson desired me to introduce this bill, and gave it to me for that purpose, informing me that he was permitted to remain in Washington by the President for such purpose.

I would not have protested against even this extraordinary effort of Major Richardson but for his subsequent actions in collaborating in and lobbying for the Beveridge bill for the creation of a military legislature in Alaska. This proposed legislation is so outrageous in its un-American principles and so opposed to the best interests of the people of Alaska and to their expressed wishes that my sense of duty to them will no longer permit me to remain silent.

I hand you herewith a copy of the bill (S. 5436) introduced by Senator Beveridge on January 18 instant. Prior to its introduction Major Richardson informed me that he was being consulted in its preparation, and that his action in that respect was approved by the President. I was not consulted in its preparation, though Major Richardson was, and this latter fact is apparent in its contents. The bill provides for the appointment of a legislative commission of nine, with unlimited powers of legislation over the lives, liberties, and property of the people of Alaska. It provides for the appointment of an attorney-general, a commissioner of the interior, a commissioner of education and health, and a commissioner of mines, who, together with the governor and four other persons, all to be appointed by the President, shall constitute the legislative council of Alaska. The proviso in section 16 of the bill provides:

"That one or more of the offices created by this act may be filled by officers of the United States Army. The official salary of any officer on the active list of the United States Army so serving shall be deducted from the amount of salary or compensation provided by this act: *Provided further*, That in the event of any officer of the Army being so appointed as commissioner of the interior he shall constitute one member and be chairman of the board of road commissioners."

If these two bills should become the law it would probably permit the three officers of the United States Army now constituting the Alaska road commission to become members of the legislative council of Alaska; it would result in Major Richardson becoming the commissioner of the interior, a member of the

legislative council, a member of the Alaska railway commission, and continue him indefinitely as the chairman of the Alaska road commission. It would put practically all the power into his hands; he would become the dominant governing force and the dispenser of "franchises, privileges, and concessions" of the public resources of Alaska authorized in section 10 of the Beveridge bill. As major in the United States Army, Major Richardson receives no more than \$4,000 per annum; under section 16 of the bill, as commissioner of the interior, he would receive \$7,500, an increase of \$3,500, together with his "actual traveling and subsistence expenses."

Aside from his personal interests under these two bills Major Richardson would be in a position to aid the Guggenheim and other big interests in Alaska. Guided by his action in standing sponsor for the Alaska railway commission bill, with its outrageous concessions in the matter of acquiring the coal lands of Alaska, I am not prepared to admit that he would not do so. No one knows better than Major Richardson that the American miners, business men, newspapers, and people of Alaska generally are indignantly opposed to placing the control of the vast resources of Alaska into the hands of an appointive military commission. Yet, in violation of the President's order of last March, he is found here lobbying for this form of government in opposition to the Delegate in Congress from Alaska, who represents the whole people of Alaska, excepting only one or two big interests which hope thus to control the great undeveloped resources of the Territory, as well as its government, through that channel.

The Beveridge bill was introduced on the 18th instant. I first knew of it on the 19th, and learned that it was then being considered in the Committee on Territories of the Senate. I immediately went there and requested, and was accorded, a hearing on the 19th and 20th. I there objected to Major Richardson's connection with the matter, and criticised him, as I had a right to do. I will forward you a copy of my statement before the committee as soon as it is printed.

On coming out of the committee room to-day I was met by Major Richardson in the corridor of the Capitol near the room. In an angry tone he threatened me for what I had said before the committee of the Senate about his connection with these bills, and said that only his position as a major in the army and my position as a Delegate in Congress protected me. I shall perform my duty as Delegate from Alaska without fear of assault from Major Richardson, but I most earnestly protest against being threatened in the Capitol by an officer in the army for daring to perform such duty. It is bad enough to have him lobbying around the corridors in an effort to impose himself as a part of a military legislature upon a helpless and law-abiding American community in time of peace—to increase his own salary and to evade his duty in the army—without having him threatening the representative of those people for performing his congressional duties, and I protest against his violence and insolence.

I respectfully request that the order of the President of March last be enforced against Major Richardson; that he be ordered to return to Alaska to devote his time to his duties as chairman of the Alaska Road Commission, or that he be ordered to return to his military duties in the United States Army. And I protest against his being permitted to remain in Washington as a lobbyist in favor of legislation which the Delegate in Congress from Alaska is opposing as inimical to the interests of the people of that Territory.

Respectfully,

JAMES WICKERSHAM.  
*Delegate from Alaska.*

Mr. WICKERSHAM. Mr. Chairman, as I said to you yesterday, the people of the Territory of Alaska have made very clear what they want in the way of civil government. The Democratic party, at the last election, the Republican party, in its two subdivisions, and the Labor party, each put out its platform, and each of those parties declared in favor of a home rule territorial form of government. It is understood there and it is understood everywhere throughout Alaska what that means—it means an elective legislature.

Senator CLARKE, of Arkansas. Most of those folks had home rule before they went there; and they have gone out there where there is no home rule.

**Mr. WICKERSHAM.** Yes; and they went out to develop that country. Senator CLARKE, of Arkansas. They are howling for home rule as soon as they go out there.

**Mr. WICKERSHAM.** Just as you would do, if you went there, being an American. They are doing just as you would, and just as any other American would, going out to a country of that kind. Those people have been living out there for forty years. There they have schools, children are born there, growing up there, building up a great American community. Of course they are for home rule, and each of these parties declared for it absolutely.

That does not mean that we want a governor, because we have a governor. It does not mean that we want a system of courts such as they have in all the other Territories, because we have that. We have courts in the Territory, and we have a complete executive department.

Senator CLARKE, of Arkansas. They are satisfied?

**Mr. WICKERSHAM.** No, sir; dissatisfied.

Senator CLARKE, of Arkansas. You have a governor and now there is nothing wanting but a legislature.

**Mr. WICKERSHAM.** We want that; nothing wanting but that.

Senator CLARKE, of Arkansas. Is your argument directed against the insufficiency or oppressive character of the laws?

**Mr. WICKERSHAM.** We are not complaining of the insufficiency or the oppressive character of the laws, except the one proposed that is before you, and that we are complaining about; and I think when you have read it carefully you will agree with me.

Senator CLARKE, of Arkansas. I have not read it, but—

**Mr. WICKERSHAM.** I am sure you have not read it.

Senator CLARKE, of Arkansas. I know something about Alaska. However, I do not know anything about this bill.

**Mr. WICKERSHAM.** When you do know about this bill you are going to be opposed to it.

Senator CLARKE, of Arkansas. It may be so.

**Mr. WICKERSHAM.** As I said, all our people have declared in favor of an elective legislature. We want a territorial legislature, a small one of 24 members, with its powers so limited that it can do no injury, limited in the way of taxation, limited absolutely in the way of powers which they may use either for or against the people; with a governor appointed by the President, who may veto every bill they may propose; with the provision that every law which is thus passed and approved by the governor, or passed over his veto, shall come before Congress and may be disapproved. That is what we want. We want even less than any other Territory ever had, but we want the ordinary law which has been extended to every Territory prior to this date.

As I said, the people held a Delegate election in August of 1908. They declared for these things and I was elected upon that platform, and I am going to stand here and insist upon the proposition earnestly and honestly to this committee; and I am going to show that what this bill proposes is in violation of the will of the whole people of the Territory of Alaska and, in my judgment, is open to so many objections that it ought not to pass. This committee ought not to report it favorably, and I hope it will not.

**Senator OWEN.** What are the reasons alleged in favor of an appointive legislature?

**The CHAIRMAN.** I may suggest that the Judge appeared before the committee on yesterday afternoon for an hour and a half. There were some interruptions and the committee gave him until 11 o'clock this morning so that he might present, in addition to what he said yesterday, in his own way, his argument against this bill.

**Senator NELSON.** I do not want to interrupt you, but I suggest that the best way would be to confine your argument as much as possible to the difference between the two legislative plans, one an appointive and the other an elective body.

**Mr. WICKERSHAM.** The Senator has suggested the wild and woolly character of our country out there. I simply want to read one telegram which was sent to the President to show how many newspapers we have.

**The CHAIRMAN.** You alluded to that yesterday.

**Mr. WICKERSHAM.** I did.

**The CHAIRMAN.** We have it in mind, so that you need not put it in again unless you desire.

**Senator NELSON.** Allow me to make a suggestion. It is that if the Judge desires to incorporate with this statement what he read yesterday, he should be permitted to do so.

**The CHAIRMAN.** Certainly.

**Senator NELSON.** As a part of his statement.

**Mr. WICKERSHAM.** Do you mean that I shall state it now?

**Senator PILES.** No; put it in the record.

**Senator NELSON.** Put it in with your remarks when printed.

**Mr. WICKERSHAM.** Very well. I will read just one.

**Senator DILLINGHAM.** It is simply to save time; that is all.

**Mr. WICKERSHAM.** This is a telegram which was sent to the President on the 25th of September, the day before he reached Seattle:

FAIRBANKS, ALASKA, September 25, 1909.

WILLIAM H. TAFT,

*President of the United States, Seattle, Wash.:*

A united press and people of Alaska, in aid of constructive legislation for the creation of a government by the people in this Territory, and in aid of the development of its natural resources, respectfully request you to recommend in your next message to Congress and give your support to the creation of an elective Alaskan legislature in substantial conformity with Delegate Wickersham's bill introduced at the recent special session of Congress.

This is signed by 16 newspapers named here, and by the mayors of all the incorporated towns in the Territory, and by the president of the Sitka Chamber of Commerce and the president of the Seward Chamber of Commerce. It is signed by 16 out of the 19 newspapers in our Territory.

**Senator CLARKE** of Arkansas. Have you had any census taken there since last census?

**Mr. WICKERSHAM.** Yes. In violation of the statute, they took a census in December.

**The CHAIRMAN.** I do not want to interrupt, and I shall not. I shall have something to say about the taking of that census after the judge gets through. I do not want to take your time. The time is yours, Judge, to use in any way you please.

**Mr. WICKERSHAM.** As I said, I introduced a bill at the last special session of Congress which gives a territorial legislature of 24 persons, 8 in the senate, 2 to be elected from each of the four judicial divi-

sions in the Territory, which fairly divide the population, and 4 members of the lower house from each of those divisions. That bill is here and the members of the committee can examine it. It has been carefully drawn, and I think it commends itself to some members of the committee very fully, certainly at least that portion of it which limits the power of the legislature, for the bill now before the committee is lacking in that respect. There are absolutely no limitations in it.

I want to read from the bill before you briefly, and call attention to the objections I have to it. It is a bill introduced by Senator Beveridge, and is said to have been drawn by the President, or at least to represent the President's wishes.

The CHAIRMAN. It does represent his wishes.

Mr. WICKERSHAM. I am astounded to learn that the President shall approve of some portions of this bill. It is a bill "to create a legislative council in the district of Alaska, to confer legislative powers thereon, and for other purposes." I notice that the first section of it provides—

That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a governor, an attorney-general, a commissioner of the interior, a commissioner of education and health, and a commissioner of mines, who shall reside in Alaska during their official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with four other persons, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute a legislative council, at least four members of which shall be, when appointed, residents of the district of Alaska, one in each of the four judicial divisions into which the district is now divided, and in addition to the legislative duties hereinafter imposed upon them as a body shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such legislative council.

Then it provides that the governor shall be the presiding officer of this body, and that there shall be a vice-governor, and that the official title of the chief executive shall be the "governor of Alaska;" that he shall grant reprieves, etc., and see that the laws are executed.

The third section provides—

That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of the United States, in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports to the governor as he may require.

I do not know what that means, and I do not think anybody else does, because there is no law which provides for an attorney of a Territory of the United States, that I know of, passed by Congress—that is, general, at least—and I know of no rule that would govern the attorney-general and no general law which would be met by that suggestion. I do not know what that means, except that it appoints an attorney-general for the Territory of Alaska.

Senator PILES. The legislature would define his duties.

Mr. WICKERSHAM. That is not what it says. It says he "shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of the United States."

Senator FRAZIER. The Territories of the United States have no attorney-general. There never was one in the United States.

Mr. WICKERSHAM. There never was. I never heard of it.

Senator FRAZIER. We can create one; but there is not one now in any Territory of the United States. The district attorney represents the Government.

Mr. WICKERSHAM. The fourth section of the bill provides—

That the commissioner of the interior shall superintend all works of a public nature carried on pursuant to the authority of the legislative council or placed in his charge by Congress, and shall have charge of all public buildings, grounds, and lands assigned for the use of the government of Alaska, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports to the governor as he may require.

I want to call your special attention to this commissioner of the interior, because around him now seems to be centered practically the whole government of Alaska rather than around the governor. He is to be the chief spoke in the wheel. I understand the situation in Alaska, and I understand who is largely responsible for some of the provisions in this bill which relate to this particular office and to those offices which follow. This provides for the commissioner of the interior. The next portion of the section reads:

The board of road commissioners for Alaska, created by the act of Congress approved January twenty-seventh, nineteen hundred and five, shall lay before the commissioner of the interior, for the approval of the legislative council, the plans and estimates for roads and trails which it is proposed to construct and maintain out of Alaskan revenues.

Senator CLARKE, of Arkansas. What is meant by the "commissioner of the interior," in the first part of the section?

Mr. WICKERSHAM. That is the same man I have just been reading about—that "the commissioner of the interior shall superintend all works of a public nature," etc. He is superintendent of public works for Alaska.

Senator NELSON. One of the territorial officers?

Mr. WICKERSHAM. One of the territorial officers; one of the legislative council.

We have an Alaskan road commission, at the head of which is Maj. W. P. Richardson. There are two other army officers with him. Those three army officers constitute the Alaskan road commission, who are specially assigned from the army to that work in Alaska. Those two sentences have reference to that particular work. Now, I want to call the committee's attention to the proviso in the sixteenth section, on page 11:

*Provided*, That one or more of the officers—

It says "one or more of the officers"—

created by this act may be filled by officers—

In the plural—

of the United States Army. The official salary of any officer on the active list of the United States Army so serving shall be deducted from the amount of salary or compensation provided by this act: *Provided further*, That in the event of any officer of the army being so appointed as commissioner of the interior he shall constitute one member and be chairman of the board of road commissioners.

I want to say to the committee right here that I object to that plan of organization, because it, in my judgment, seeks to perpetuate

Major Richardson and the two other members of the present road commission as a part of the government of the Territory of Alaska. I object to it for that reason. We do not want to have a lot of army officers sent to Alaska as a part of our legislative assembly, and we do not want Major Richardson to get into the organization of our government or that class of legislators and attempt to foist himself on the people out there in this kind of a way.

I know that members of the committee may ask, with reason, What has Major Richardson done? Major Richardson has been here now all winter long lobbying for this bill and another bill, to which I propose to call the attention of the committee. He spends his time as an army officer here in the city of Washington lobbying for legislation in the Territory of Alaska, and, in my judgment, lobbying for legislation which is most detrimental to the interests of the people of Alaska, and I resent it.

Senator DILLINGHAM. Has he any official assignment here now?

Mr. WICKERSHAM. I do not know. He tells me that he is here at the request and order of the President for this very purpose of looking after legislation in Alaska. I say now to this committee that Major Richardson is here lobbying in the interest not only of this bill but of another bill I have here, which goes with it and which becomes practically a part of it, if they should both pass, and practically in the interest of the Guggenheims.

The CHAIRMAN. I was called out of the room for a moment. In this connection you might state what you stated yesterday with reference to Major Richardson.

Mr. WICKERSHAM. I have just done so. I have been stating that he is here in the interest of the Guggenheims, lobbying for them. He is here lobbying for this bill. He tells me that he is instrumental very largely in getting that provision in which will perpetuate him and the road commission as a part of the legislative branch of our government in Alaska. I say I protest against it.

Major Richardson brought me a bill, a copy of which I hold in my hand. So I know what I am talking about in this matter from first hand. It is a bill "to amend the act of Congress approved May 14, 1898, extending the homestead laws and providing a right of way for railroads in Alaska, and to further encourage and aid in the construction of railroads in the said Territory of Alaska."

The last part of this bill has the joker in it, which all of you will understand when you hear it read. It is a bill in a general way for giving government aid to railroads in Alaska, a matter that I am interested in. I want government aid given to railroads in Alaska in the proper way, but I do not propose to see the coal interests in the Territory of Alaska turned over bodily to the Guggenheims if I can prevent it. We are almost in their power now. They have all the fish in Alaska. They have all the railroad and steamboat transportation in Alaska. They have practically all the resources of Alaska now, except coal, and I do not want them to get the coal; and I do not want them to obtrude themselves in our legislative body and get our government as well as our natural resources. For that reason I speak to you plainly as I do, because it is not pleasant to talk in that way. But I know the fact, and I am responsible for my statement. Here is a copy of the bill, and I am going to read the proviso to the twentieth section of the bill. I have the original in my possession.

**Senator DILLINGHAM.** You say that bill was furnished to you by whom?

**Mr. WICKERSHAM.** By Major Richardson personally, and he is here lobbying for it. I want to say further to the committee that as soon as an opportunity offers I intend to make a formal protest to the Secretary of War against Major Richardson remaining here as a lobbyist for these special interests in Alaska, and I will furnish him with a copy of it, so that there may be no question about what I say or do in the matter. I resent it, and the people resent it. There is a proviso here. I quote:

*Provided further,* That any corporation having a contract to construct a line of railway under the provisions of this act to or through any coal field may select and lease from the Government, at the rate of ten dollars per acre, five thousand acres of any coal lands in said fields that are not already legally held by bona fide locators, the product thereof to be used in operating its railway and for sale to the public.

That is the end of the proviso.

**The CHAIRMAN.** That is not in the bill before the committee.

**Mr. WICKERSHAM.** No, sir; not in the bill before the committee, but in a bill drawn by Major Richardson.

**The CHAIRMAN.** It does not seem to be anything, however, that this committee has anything to do with.

**Senator FRAZIER.** Is there any provision for paying the Government for the coal?

**Mr. WICKERSHAM.** Ten dollars per acre; that is all. It was the purpose originally to construct four—

**Senator PILES.** Do you mean to say for a lease annually of \$10 per acre?

**Mr. WICKERSHAM.** I do not know what it means; but what it says, exactly, is—

That any corporation having a contract to construct a line of railway under the provisions of this act, to or through any coal field, may select and lease from the Government, at the rate of ten dollars per acre, five thousand acres of any coal lands in said fields that are not already legally held by bona fide locators.

**The CHAIRMAN.** Is that bill now pending before any committee of Congress?

**Senator NELSON.** No; but, Mr. Chairman, it is a bill a copy of which Major Richardson presented to the judge, and the major is urging its passage.

**Mr. WICKERSHAM.** He brought it to me.

**Senator NELSON.** The judge reads it for the purpose of showing that Major Richardson is lobbying here.

**Mr. WICKERSHAM.** And to show that he brought this bill to me for the purpose of its introduction, and he is lobbying for it. I say he has no right to do it as an army officer, and I object to his being a beneficiary in the bill before the committee; and for that reason I object to the provisions of the bill.

**Senator DICK.** If he is here at the request of the President he would have a right to be here.

**Mr. WICKERSHAM.** The President has no right to maintain a lobbyist here.

**The CHAIRMAN.** With whom has he lobbied?

Mr. WICKERSHAM. He admitted to me that he had had a great deal to do with the preparation of this bill.

The CHAIRMAN. With whom has he lobbied?

Mr. WICKERSHAM. With me, and with many other people. I shall have more to say about that a little later. I put it in right here because it comes in aptly.

Senate bill 5436 also provides for a commissioner of education and health, who shall superintend public instruction throughout Alaska, including public schools for the education of Eskimos and Indians.

It provides that there shall be a commissioner of mines, who shall perform such duties in connection with mines and mining as may be prescribed by law.

I want to say to the committee in respect to the four or five men provided for here with great salaries that will give them \$7,500 a year, and subsistence and expense accounts, there is absolutely nothing for them to do in the Territory of Alaska, unless you manufacture something for them to do. There is no necessity for them there, and there is not anything for them to do.

In the seventh section it is provided—

That the other four members of the legislative council, appointed as herein-before provided, shall attend all meetings of the legislative council and participate in all business of every character that may be transacted by it, and that each shall receive as compensation, to be paid out of the United States Treasury, twenty-five dollars per day for each day's attendance while the legislative council is in session, and mileage in addition at the rate of fifteen cents a mile from his home to the capital and return by the nearest traveled route.

Here is a bill which provides a territorial legislature for Alaska without any limitation as to the number of days it may sit in any year. There is no limitation. The legislature may sit three hundred and sixty-five and one-fourth days every year and get \$25 a day for every man in it. There is absolutely no limitation upon the amount they shall expend themselves.

The CHAIRMAN. The committee has limited it.

Mr. WICKERSHAM. There is nothing in the bill about it.

The CHAIRMAN. It was limited at the former session.

Mr. WICKERSHAM. There is no limitation in the bill anywhere. My bill provides a limitation. It provides that the legislature shall be elected by the people, and shall not sit longer than sixty days in any year.

Senator NELSON. As an independent proposition, what about \$25 a day as compensation?

Mr. WICKERSHAM. My bill provides for \$15. I thought that was sufficient. I do not object to \$25.

Senator NELSON. What do you propose to provide for mileage?

Mr. WICKERSHAM. Fifteen cents.

Senator NELSON. So you agree with this bill on mileage, but there is a disagreement as to the per diem compensation. You put it at \$15.

Senator DICK. There is another point involved in that particular matter, if I may ask a question, which is, I think, pertinent. It was said that the high allowance was due to the high cost of living. Is the cost of living so much higher in Alaska?

Mr. WICKERSHAM. At Juneau, where the legislature will sit, the cost of living is practically the same as it is in Seattle, or in Washington. I think the cost of living in Juneau is less than in Seattle.

Senator PILES. I should think so.

Mr. WICKERSHAM. I think so. But I do not object, if the bill is to pass, to paying a good salary and all that. I think it is economy to pay good salaries.

The eighth section provides:

That the Constitution and, except as otherwise provided, all the laws of the United States enacted hereafter—

Enacted hereafter—

including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within Alaska as elsewhere in the United States.

Section 1891 of the United States Revised Statutes of 1878 already extends the Constitution and all the laws of the United States which are not locally inapplicable to all the Territories, and the Supreme Court of the United States, in one of the cases that we had up here yesterday, refers to that very section as extending to Alaska the laws of the United States. So it seems to me that this is a limitation upon that law, and is not good for that reason. It ought to be left out.

Senator FRAZIER. There is a question as to whether it is a Territory or not.

Mr. WICKERSHAM. Yes, sir; we discussed that yesterday.

Senator FRAZIER. With reference to the application of the statute to which you refer, there is a serious question as to whether it is a Territory.

Mr. WICKERSHAM. There is a question. Some gentlemen do not agree that it is a Territory, while others do. In my judgment, after looking at the matter carefully, I think it is a Territory beyond any question. Section 8 proceeds:

That except as herein provided all laws now in force in Alaska shall continue in full force and effect until altered, amended, or repealed by act of Congress or by the legislative authority herein conferred on the legislative council.

That is, it gives the legislative council authority to alter, amend, modify, and repeal laws in force in Alaska; but it provides that that shall not extend to the customs, internal revenue, postal, or other general laws of the United States.

Senator NELSON. They may be repealed by act of Congress.

Mr. WICKERSHAM. Yes; but there is just this negative clause, that it shall not extend to the customs, etc. That probably would save that point, Senator.

Section 8 further provides:

And the legislative council shall pass no law depriving the judges and officers of the district court of Alaska of any authority or function exercised by like judges or officers of district courts of the United States.

The judges in Alaska are not judges of the district court of the United States. They are territorial judges. The Supreme Court has passed on that squarely in a case coming up from Alaska and has stated very clearly the character of the courts in Alaska. That clause is absolutely misleading, and it ought to come out. I do not object to it, however, if it is thought best to leave it in.

I shall in a moment call your attention to section 10; but first, section 9 provides—

That the legislative authority herein provided shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the

United States hereafter enacted, and the legislative council shall have the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Alaska, or any town or district thereof, not inconsistent with the provisions hereof.

That is the grant of legislative power. It is unlimited. Here is a legislative body appointed by the President of the United States for Alaska—

Senator FRAZIER. Five of whom are not residents of Alaska.

Mr. WICKERSHAM. Five of whom are not residents of Alaska, three of whom represent the United States Army, officers representing the board of road commissioners, with absolutely no limit upon their power to legislate.

The CHAIRMAN. The road commissioners are not a part of the legislative council.

Mr. WICKERSHAM. They will be if appointed, Senator, and the bill is fixed so that nobody else would be appointed except them.

The CHAIRMAN. That is a difference of opinion.

Mr. WICKERSHAM. Now I come to section 10, and I want the committee to pay some attention to the character and phraseology of the section. It provides—

That the legislative council may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, and may adopt rules and regulations under which the municipal government may grant the right to use and occupy such public property belonging to said municipalities: *Provided*, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal.

Senator NELSON. I wish to call your attention in this connection, and we might as well bring it up now, to the fact that in the case of rights of way for the various kinds of railroads, wagon roads, and all the water-power appliances in Territories like Arizona and New Mexico, those franchises are not conferred by the territorial legislature; they have to get them through an act of Congress. This proposes to vest the power that is now in the Federal Government, to give rights of way and interests in public lands, to that legislative council up there, a power that we do not give to Territories that have an elective legislature.

The CHAIRMAN. It should be said in this connection that everything is subject to repeal, modification, or amendment by the Congress of the United States, and further that the language read is the exact language in the law conferring like power on the Philippine civil government commission, and later along in regard to Porto Rico, both of which have been in existence a good while. There is no change. It is not new language.

Mr. WICKERSHAM. I have not examined those acts.

Senator PILES. There is a law granting rights of way in Alaska.

**Mr. WICKERSHAM.** Oh, yes. That is not here. It is provided in another place. The additional proviso to section 10 is as follows:

*Provided further,* That all franchises, privileges, or concessions granted shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the district of Alaska or of the municipality within which such franchises are granted and exercised.

I make three objections to that clause. The first is that you give to that commission the absolute power to grant concessions, absolutely without limitation. They may grant a concession of all our fisheries to their friends, of all our coal lands, or rights upon the coal lands. Anything in the Territory of Alaska which can be granted by a concession can be granted under that provision, without limitation.

I know that the provision does not seem dangerous probably now, but it is dangerous. It is dangerous to give this or any other commission in the Territory of Alaska the absolute power of disposing of the resources of that Territory, without limitation of any kind, for there is no limitation except what you say here about the right of Congress to come in and undo it. Congress has that right, anyway, and you could not take it away from Congress because it has a constitutional right to control matters of this kind in the Territories.

But the difficulty is, if the people have no voice in these matters in Alaska, and it is put up to this commission to grant all these concessions, the people will not be heard. Heaven is high and Washington is far away, and if this commission chooses to say that it shall be done, we would never be heard of, and these concessions would be granted by the commission without chance for protest.

**Senator DILLINGHAM.** You claim that that is under the first clause of section 10.

**Mr. WICKERSHAM.** Yes; "that the legislative council may grant franchises, privileges, and concessions."

**Senator DILLINGHAM.** "Including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service."

**Mr. WICKERSHAM.** Yes, sir; with the power of eminent domain for that purpose.

**Senator DILLINGHAM.** It seems to me to be limited to works of public utility and service.

**Mr. WICKERSHAM.** But suppose it is.

**Senator DILLINGHAM.** If I am wrong, point out where I am wrong. I want to see whether the power is limited or not.

**Mr. WICKERSHAM.** My reading is that it means that the legislative council may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain. There is a broad grant of power to grant concessions.

On the other side of the line over there, we know what concessions are. The Guggenheims and Boyles are in the possession of the whole of the Klondike gold fields to-day by concessions. They have absolutely the control of that whole country by a grant of concessions by the government of the Yukon territory. We do not want that in Alaska. We do not want our fisheries granted. Out of \$11,000,000

worth of fish they took out of that territory last year, the Territory of Alaska did not get a dollar. They pay the bills by making an affidavit, as the Senator from Washington knows. The result is that they send up fleets of Chinese and Japanese into the waters of Alaska in May and get \$11,000,000 worth of salmon and can them. They are gone to-morrow. There are two watchmen at the cannery whom they leave there. There is not a schoolhouse nor a church nor a home built in Alaska nor a child educated there out of that \$11,000,000.

Senator DILLINGHAM. They pay it to the Government in the nature of an internal-revenue tax.

Senator NELSON. No; Jarvis lobbied a bill through here amending the fishery law by which they escaped the canning tax they had to pay before. They can do it by putting in what they call a special fry and giving a certificate that they put in so many fry and turning that in in lieu of taxes. They have robbed one-third of our Alaska road fund by just that trick.

The CHAIRMAN. They do not put in the amount of fry, either.

Senator NELSON. Jarvis was down here and lobbied it through one winter, after he was employed by a canning company and had left the government service.

Mr. WICKERSHAM. Senator Nelson opens a suggestion. They paid a tax of 4 cents a case, one-quarter of which was paid into the court to pay the expenses of running the courts. Even before the bill was passed we paid double the fees paid in any other Territory by litigants. Then they doubled the fees again, and we pay four times the fees for litigation in that Territory to-day that are paid anywhere else, simply because the Guggenheims wanted that money. We are opposed to the Guggenheims grabbing our fish without fair taxation, and we are opposed to granting them concessions.

Senator CLARKE, of Arkansas. May men escape the court costs?

Mr. WICKERSHAM. Yes, sir; justice in many cases in Alaska is absolutely barred by reason of it.

Senator CLARKE, of Arkansas. What ground is it put on?

Mr. WICKERSHAM. It is put on the ground that the attorney-general has the right under the statute to increase the fees.

Senator CLARKE, of Arkansas. Under what pretext does he act? That the people have to come such long distances?

Mr. WICKERSHAM. No; simply that there was not money there to maintain the courts.

Senator NELSON. And I presume the fees were raised on the ground that it cost more to live up there.

Mr. WICKERSHAM. Yes; that is true.

Senator OWEN. Judge, I want to ask a question with regard to the President's opportunity of knowing the things you have pointed out. They have not been presented to him by you?

Mr. WICKERSHAM. No, sir; they have not, because he refused positively to see me.

Senator OWEN. Were you elected as Delegate from Alaska?

Mr. WICKERSHAM. Yes, sir; I was; and I made an application to the President for an interview, saying to Mr. Carpenter that I wanted to talk to the President about these matters. He sent word through Mr. Carpenter that his mind was made up and he did not think it was any use to talk to me, and he declined to see me. Otherwise we might have got something done before this bill came here.

Now, gentlemen, on the seventh page of this bill there is another matter which is, I think, of extreme importance to the people of Alaska. We have three railroads in Alaska to-day. We have the White Pass, running from Skagway, and the Copper River road, which is being built up the Copper River from Cordova.

Senator DILLINGHAM. That is in British territory.

Mr. WICKERSHAM. No; the White Pass Railway run from Skagway across to the international boundary line through Alaska.

Senator DILLINGHAM. It takes us into British territory.

Senator NELSON. That is the road running down from White Horse.

Mr. WICKERSHAM. Yes; it is owned by British capital.

Senator NELSON. About 30 miles of it is in our territory and the balance is in British territory.

Mr. WICKERSHAM. I am told that the Guggenheims have a working arrangement by which they control it. Certainly they control the Copper River road, which is built 102 miles up the Copper River. They have a contract, I understand, for the purchase of the Alaska Central, which is built northward from Seward about 75 miles.

Those three roads are the three gateways to the interior of Alaska, and the man who controls those three roads controls Alaska; he controls the coal of Alaska; he controls the copper; he controls the transportation rates.

The Guggenheims also own all the steamship lines which run up there except one independent, and they are fighting that independent line now by cutting rates and refusing to give them any facilities under the interstate-commerce law; and that matter is now pending before the Interstate Commerce Commission. I have here the briefs in the matter. The Guggenheims have their briefs in here, and they are protesting that Alaska is not a Territory; that it is a district; and being a district, something less than a Territory, the interstate-commerce law do not apply there, because under the Hepburn Act the interstate-commerce laws apply only to Territories and States. That is the question before the Interstate Commerce Commission at this moment.

The CHAIRMAN. As was remarked yesterday, Judge, that particular thing, extending the interstate-commerce laws to the district of Alaska, can be cured by a single line inserted in the bill.

Mr. WICKERSHAM. Yes; and the line is in the bill. I want to call attention to it. The bill provides, on page 7, beginning with the proviso on that page—

That all franchises, privileges, or concessions granted shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations—

#### Meaning railroads—

shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the district of Alaska or of the municipality within which such franchises are granted and exercised.

Senator NELSON. If the word "reasonable" was there it might have some meaning.

Mr. WICKERSHAM. But it appears to be the intention of this clause to bar the interstate commerce laws from Alaska and to supplant them with this vague power to the legislative commission. That is why I object to it.

Senator NELSON. The word "effective" means nothing at all there.

Mr. WICKERSHAM. If the bill passes, the interstate commerce laws will not apply to Alaska. The Interstate Commerce Commission will be robbed of its present jurisdiction, and those railroads will be turned absolutely loose.

The CHAIRMAN. I may repeat what I said yesterday, that that whole subject can be effectively cured by the insertion of one line in the bill, or merely by calling Alaska a "Territory" instead of a district.

Mr. WICKERSHAM. I hope it will be inserted—

The CHAIRMAN. I suppose it will be.

Mr. WICKERSHAM. And that that clause will be stricken out, because with that clause left in every Senator can see clearly that the interstate commerce law will be excluded from Alaska, and this commission, with these men at the head of it who are here lobbying for the Guggenheims, will have control of rates in Alaska.

The CHAIRMAN. To remove misapprehension on your part, which I am aware is quite innocent, I will state that that is the language conferring similar power on the civil government commission of the Philippines, and, I think, of Porto Rico.

Mr. WICKERSHAM. But the Philippines is not a Territory of the United States.

The CHAIRMAN. I just want to remove the misapprehension that there was some purpose in the administration bill on that point, because it has quoted exactly the existing law. The interstate commerce laws ought to be extended to that district.

Mr. WICKERSHAM. They are extended, if it is a Territory, if you will just declare that in your bill. The first clause of my bill proposes to organize the Territory of Alaska, and says so in plain English. If you should adopt that measure you would never have any more of this controversy. Notwithstanding that, the Supreme Court of the United States has declared that it is an organized Territory, and, in my judgment, as a lawyer, nothing that this committee can now do will ever degrade it.

The CHAIRMAN. I did not mean to interrupt you.

Senator CLARKE, of Arkansas. We shall have to determine how much further time to give the judge. He ought to have some additional time.

Mr. WICKERSHAM. I shall be glad to have some additional time.

The CHAIRMAN. The judge has been interrupted, and I suggest, if it meets approval, as the time decided upon has expired, that we allow him fifteen minutes additional. That would make about three hours, including the time occupied yesterday.

Senator CLARKE, of Arkansas. I will not indicate that I am in favor of any particular bill, but my objection goes to the whole project of legislating for a lot of disconnected, disassociated, noncontiguous neighborhoods, with no coherence, with no public opinion to be created into law. It is the history of such communities that they are subject to the blandishments and outrages of grafters. They are in that situation, not because of the individual dereliction of any people out there,

because no doubt there are quite as good people there as can be found anywhere else, but it is inherent in that stage of development in such a community that they have not that knowledge of each other's wants and that relationship which are requisite for a government.

Senator OWEN. They seem to have plenty of newspapers there.

Senator CLARKE, of Arkansas. I understand something about newspaper men, and I may say something about that, if necessary. I do not know that they are any worse or any better than the average newspaper man, but Alaska has not reached the necessary stage of development yet. The settlements are extended over a wide territory, too wide to have the benefit of correct public opinion until it is too late to recall the spoliation of the valuable things that are now attracting the genius—I will not put it any stronger—of modern life.

The judge is pointing out things that are absolutely startling. To turn them over to any 8, 10, 15, or 25 men, no matter how selected, either by the President or by the people themselves, dominated as they are by these gigantic and dominant corporations he speaks of, it seems to me makes it fit for the Congress to continue to regulate them for a time until the country there can fill up a little better with people, until their population can be increased in a way which will give them a basis upon which a government can rest. I can see that if we pass the bill it simply donates to whoever is in control everything worth five dollars in the Territory.

Mr. WICKERSHAM. Yes, sir; that will be the effect of it.

Senator CLARKE, of Arkansas. Even to have an elective legislature, such influences dominate well-organized States of the Union, to say nothing of such communities as are there.

Mr. WICKERSHAM. We have more white people in the Territory of Alaska than you have in Nevada. There are more white people in the Territory of Alaska than you had in any other United States Territory when it was organized as a Territory.

Senator CLARKE, of Arkansas. It seems to be a community with only three railroads.

Senator FRAZIER. Are your communities connected by telegraph lines?

Mr. WICKERSHAM. Yes; and roads.

Senator FRAZIER. Telephones.

Mr. WICKERSHAM. Yes, sir. We knew the result of the general election for Delegate in Alaska the night of the election by midnight.

Senator CLARKE, of Arkansas. That indicates that your communities are up and down the coast.

Mr. WICKERSHAM. That is where they are; up and down certain lines along the coast and a line toward the interior and along the rivers to the sea.

Senator CLARKE, of Arkansas. The great body of the Territory, where the valuable products you speak of are found, is not accessible.

The CHAIRMAN. At the first meeting of the committee Senator Nelson took a map of the Territory and showed the committee the difficulty of communication, the absence of roads, etc., and where the various sections were reached. Will you proceed, Judge.

Mr. WICKERSHAM. The next objection I make to section 10 is the last clause in it, which reads as follows:

And, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of

the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the district of Alaska or of the municipality within which such franchises are granted and exercised.

In other words, we are to have no taxation from these great corporations in support of government in Alaska, except on small gross earnings which shall be turned into the general treasury for the use of this particular commission. A municipality may have extensive works of all kinds within its borders and it could not levy one cent of taxation upon them. Nothing could be done in the way of getting anything out of these public-utility corporations for the support of local government nor for the support of the government at large except by way of a gross-earnings tax. That is unfair to the people of Alaska. It will aid the great public corporations and will retard the people.

Senator FRAZIER. How do you reach the conclusion that it takes away the power of taxation from a municipality?

Mr. WICKERSHAM. Just from what it says.

Senator FRAZIER. They have the power to make laws under the former clause of the bill.

Senator NELSON. Under this bill they have a general power to levy all other kinds of taxes.

Senator FRAZIER. That clause does not necessarily exclude the power to tax.

Mr. WICKERSHAM. I want to call the attention of the committee to that particular proposition. There is nothing in the bill anywhere which limits the commission in any respect in the power of taxation. They may levy 5 or 10 per cent, or any amount they choose upon people. They may levy upon one community and not upon another. There is no regularity in the limit of taxation. And that is true of all their powers. There is no limit anywhere, absolutely none. They may start gambling wide open in fifteen minutes, and the saloons off in the other direction. All sorts of crime and vice of that kind may be legalized. Under my bill it is absolutely prohibited, and you will have your appeal to Congress and not to the local legislature.

Senator CLARKE, of Arkansas. There is an admission of weakness right there. If the legislature can not control those two things, what can it control? If it can not stand up against the influences behind vice, what can it control?

Mr. WICKERSHAM. I will explain that in a moment. Governor Hoggett, who has been a head lobbyist for Guggenheims down here four or five years, while being paid a salary as governor of the Territory of Alaska, is, of course, opposed to a bill giving Alaska any right to local government. First, the Guggenheims are opposed to it, and every man, woman, or child that they can control, and their newspapers, are fighting the bill to give Alaska a territorial form of government in the way of an elective territorial legislature. Governor Hoggett came down here and said openly and publicly that the people of Alaska, could not be intrusted to elect a local legislature. Why? Because, if you do that, the people will throw gambling wide open and the saloons wide open, and all that sort of thing.

Senator CLARKE, of Arkansas. Do you agree with him about that?

Mr. WICKERSHAM. I do not.

Senator CLARKE, of Arkansas. Why did you put it in the bill?

Mr. WICKERSHAM. I put it in there so that Governor Hoggatt and those people could not make that argument against it here. So I may say we do not want that right. We leave it with your committee. We are not in favor of the wide open saloon, and we are not in favor of gambling. Governor Hoggatt says we are, and we put it up to Congress, and you can do as you choose with it.

Senator CLARKE, of Arkansas. We have an important matter to consider; that is, we had it under consideration before we heard of the judge's desire and willingness to appear here. I make a most earnest request that he be given time, say, in the afternoon some time, when we can hear him.

(The committee, at 11.30 a. m., adjourned the hearing until 3 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

**STATEMENT OF HON. JAMES WICKERSHAM, DELEGATE FROM ALASKA—Continued.**

Mr. WICKERSHAM. Senator Clarke, I brought along some photographs for you to look at. Those are crops grown in the Tanana Valley.

Senator CLARKE, of Arkansas. There is not any question about fine things growing up there in a few months; and Alaska may yet develop into one of the great agricultural countries.

The CHAIRMAN. Will you proceed, judge?

Mr. WICKERSHAM. Yes, sir. We have more good agricultural land in Alaska than there is in Sweden, Norway, and Finland; and the agricultural possibilities and certainties of Alaska are far greater than those of the combined area of Norway, Sweden, and Finland.

The twelfth section of this bill provides for the convening of the legislative assembly at the capital of Alaska on the first Monday of October. But, as I have heretofore objected to the bill, there is no limit specified to the length of time the legislature may stay in session.

The CHAIRMAN. Judge Wickersham, for the third time I tell you that the committee have already put in that limitation. Notwithstanding the fact that we told you at our first session that we have put in a limitation, both as to the regular session and as to the other sessions, you continue to state there is no limitation.

Mr. WICKERSHAM. I beg your pardon, sir. I have not heard that before.

The CHAIRMAN. I stated it twice this morning and once yesterday.

Mr. WICKERSHAM. I did not remember it, at least, if you did; but I considered it a very serious matter, so that it is kept constantly in my mind.

The thirteenth section of the bill provides for the appointment of a secretary and treasurer of the district of Alaska; and it provides certain duties for him to perform. I very much fear that, if the bill should pass in its present form, it might cut out the duties which that officer new has to perform under the present laws of Alaska. I do not say that it does have that effect; but I call the committee's

attention to the matter, so that if there is any doubt about it, it may be corrected.

The fourteenth section provides for the appointment of a resident auditor, who is a new officer in Alaska. If the bill should go through with the present officials, there will certainly be no need of an auditor, because that duty can be performed by some of the other officers. I object to this large number of officers, because there is not anything in Alaska for them to do.

The fifteenth section provides that there shall be paid into the treasury of Alaska, first, the duties and taxes collected hereafter in Alaska under the customs and internal-revenue laws. Of course I do not object to that; I do not object to having all the money that Congress may think proper turned in to the treasury of Alaska. It is paid in by the citizens there; and I do not see any objection to that from my standpoint.

It is next provided that there shall be paid into the treasury of Alaska all amounts received from the sale of timber, coal lands, and other parts of the public domain in Alaska. I object to that only because I do not want all of the public funds in Alaska spent for the special purposes which are pointed out here.

The CHAIRMAN. The clause as to coal lands and timber lands has already gone out, Judge Wickersham.

Mr. WICKERSHAM. Then that covers everything in that sentence, because that is all that is there—"timber lands, coal lands, and other parts of the public domain."

Then the bill provides that all moneys derived from and collected for licenses, outside of incorporated towns, and which are now deposited in the Treasury of the United States and known as the Alaska fund, shall, after the passage and approval of this act, be paid to the treasurer of the district of Alaska by the Treasurer of the United States; and all such sums which are now or may hereafter be collected and not kept on deposit in the Treasury of the United States shall be paid directly to the treasurer of the district of Alaska. I do not object to that.

The next provision I do object to, however:

*And provided*, That no less amount of the said revenue shall be annually appropriated for making and maintaining of wagon roads, bridges, and trails in the district than the average of the amount derived annually from the "Alaska fund" for this purpose since the establishment of the board of road commissioners for Alaska.

The CHAIRMAN. That is 70 per cent?

Mr. WICKERSHAM. Yes. I object to having an organic act of Congress fix it so that the legislative assembly of Alaska may not apportion it differently. That 70 per cent now, in the meantime, has been taken away from other purposes in Alaska which are much more important, it seems to me, than the purpose for which it is proposed to expend this money.

The CHAIRMAN. More important than roads and trails and transportation?

Mr. WICKERSHAM. Roads and trails and transportation are of the utmost importance to us in Alaska, undoubtedly; but we have other matters there which are of equal importance. For instance, take the case of our courts: As I said to you this morning, they are overburdened with expensive costs to litigants which prevent the adminis-

tration of justice to poor men in our country. I have in my possession papers and letters from the clerk of the court showing that for this reason one particular individual can not even take an appeal.

The CHAIRMAN. Will you permit me to make a suggestion at this point, Judge? I may be able to clear up the matter by stating something you do not know about. In its previous hearings the committee has gone very carefully into the amounts derived from these various sources. It has ascertained that if the whole 70 per cent which now goes to the building of roads and trails (which, according to the report of the subcommittee of this committee, constitute the most vital necessity of Alaska) were expended upon them, still, under the revenues going into the treasury of Alaska under the proposed bill, there would be ample moneys to devote to the purpose of which you are now speaking, and more, too.

Mr. WICKERSHAM. Of course the committee will have to excuse me, because I know nothing about what you have done at other meetings. All I know is what is on the face of the bill.

The CHAIRMAN. We know the amounts; we have before the committee the amounts of the receipts from the various sources. We have figured them up, and this is the result: If the whole 70 per cent of the Alaska fund were given to roads and trails, there would still be more than ample for all purposes, including the purpose of which you are now speaking. We have gone into the source of the revenue, and have ascertained that to be the fact.

Mr. WICKERSHAM. Of course the people of Alaska pay that money. We have paid large sums into the Treasury of the United States and they have been expended by this commission in a way that has not been altogether satisfactory.

Senator PILES. I passed that matter, Mr. Chairman, when we were discussing it. I did not agree with you about there being more than enough money. Seventy per cent would be about \$92,500, to be deducted from \$350,000.

The CHAIRMAN. Hardly that much, perhaps; but even if it were \$100,000, it would leave between \$250,000 and \$275,000.

Mr. WICKERSHAM. The difficulty has been, you know, that the gentlemen who have been interested in getting appropriations for these roads have not seen anything in Alaska except their schemes for expending the public money on the roads; and we have many other things there that are of the greatest importance.

The CHAIRMAN. There is ample money for them.

Mr. WICKERSHAM. I hope so.

Senator PILES. Do you not think \$250,000 will be enough?

Mr. WICKERSHAM. For the purposes that I mentioned?

Senator PILES. For government purposes; leaving the \$92,000, say, for roads?

Mr. WICKERSHAM. In four districts? I do not think so, Senator; not at all. Of course, if the laws relating to fisheries were amended so that we got something out of the fisheries in Alaska—something out of the \$11,000,000 that is taken out every year—that would help us out, if it did not go into the road fund also. Mind you, I do not object to money going into the road fund, except that I want it properly apportioned.

Now, with respect to salaries. Senator Piles, do you know what the governor of Washington gets? His salary is \$4,500, is it not?

Senator PILES. I think his salary has been raised to \$6,000: It was \$4,000, but my recollection is that the legislature of 1907 raised it to \$6,000.

Mr. WICKERSHAM. I did not know that, of course. I know that the governor of Washington formerly got \$4,000. The governor of Oregon, I think, gets less.

Senator PILES. I am not sure about that, Judge.

Mr. WICKERSHAM. I think he only got \$3,500.

Senator PILES. I think his salary was raised to \$6,000 in 1907.

Mr. WICKERSHAM. Of course I object to these very large salaries, because they are entirely out of proportion to the amount of service these men can render in Alaska.

The CHAIRMAN. Of course, Judge, I do not want to and I shall not again interrupt you. But you have not been at the meetings of the committee, and apparently you have not considered the whole scope and purpose of this bill and the duties it puts upon those men for the first two or three years. However, the committee will take up that matter. I shall not again interrupt you.

Mr. WICKERSHAM. I simply know that I went into that enormous country ten years ago as a United States district judge, and I had to travel with dog team all over it. I had to cut the trails and build the court-houses and lay out the country and organize the whole interior government of the country. I only got \$5,000 a year and my actual traveling expenses (which, when I traveled afoot, by dog team, did not amount to anything); and I dislike now to see the income of the country, which the people have to pay, given out to these other men.

The CHAIRMAN. Of course that does not come from the Alaska fund at all. That is paid by the Treasury of the United States.

Mr. WICKERSHAM. I know it is; but we have paid about a million dollars into that same fund, and we think we ought to be considered in the matter.

Senator CLARKE, of Arkansas. What salary does the bill provide for these officers?

Mr. WICKERSHAM. Ten thousand dollars for the governor; \$7,500 each for the attorney-general, the commissioner of the interior, the commissioner of education and health, and the commissioner of mines.

Senator PILES. What is the governor's salary now? It is \$7,500, is it not?

Mr. WICKERSHAM. Oh, no.

Senator PILES. Was it not raised?

Senator FRAZIER. It is \$5,000.

Senator PILES. I was under the impression that it had been raised.

Senator FRAZIER. No; it is \$5,000.

Senator CLARKE, of Arkansas. The governor of Arkansas got \$3,000 when I served down there.

Senator FRAZIER. The governor of Tennessee got \$4,000 when I served.

The CHAIRMAN. I suggest, gentlemen, that we allow Judge Wickersham to proceed with his statement. I have offended more than anybody else this afternoon in the way of interrupting, but it was only for the purpose of clearing up the Judge's mind. I suggest that we permit him to proceed for the remainder of the hour in his own way; and I shall be the first to observe that rule myself.

**Mr. WICKERSHAM.** The secretary and treasurer and the auditor are to receive \$3,500 each. As I have said repeatedly, I do not know what these men are to do, unless you create something for them to do; for in the ordinary course of government there is not anything for them to do up there.

I object very strenuously to this proviso. I have stated my objection to it, but I want to read it again:

*Provided,* That one or more of the offices created by this act may be filled by officers of the United States Army. The official salary of any officer on the active list of the United States Army so serving shall be deducted from the amount of salary or compensation provided by this act.

I do not know what a major in the United States Army gets, but I suppose about \$3,600 to \$4,000. This would increase Major Richardson's salary, if he is put on this board, by that amount—by the difference between what he now receives and \$7,500.

*Provided further,* That in the event of any officer of the army being so appointed as commissioner of the interior he shall constitute one member and be chairman of the board of public works.

That, of course, is open to the same objection.

The seventeenth section provides that, in addition to their salaries, all of these officials shall be paid their actual traveling and subsistence expenses when traveling in the discharge of their official duties, and that accounts for such expenses shall be rendered and paid as accounts of the officers of the district courts for the district of Alaska for like expenses. The bill also provides for the appointment of an unlimited number of assistants and everything of that kind; so that they can have as large a court around them as they desire. It seems to me that is a very extravagant method of disposing of the public funds in Alaska, and certainly all out of proportion to anything that these men can now do for the benefit of the people of Alaska. For that reason I strongly object to it.

I make the same general objections to this bill, gentlemen. If the bill is passed in its present form, or practically in its present form, it will remove all legislative matters from Washington to this commission in the Territory of Alaska. The Delegate from Alaska would have practically no further duties to perform; and if the bill should pass in its present form an amendment abolishing the Delegate ought to be made, because he would be a fifth wheel of the wagon, and would be absolutely useless. If the bill should pass I certainly should not want to be Delegate from Alaska, and I do not think any other man would, except for the purpose of drawing the salary, for that is all he would have to do, except to quarrel with the commission. Under the present bill the commission would be in constant friction with the people of Alaska. Every interest in the Territory of Alaska is very strongly opposed to it, except the big interests there. The people are unanimously opposed to it; and there would be constant friction between this form of government and the people of Alaska.

That is my judgment about the matter, after ten or twelve years among the people up there. For that reason I think great care ought to be taken before the bill is finally passed.

I want now to call the committee's attention to another general objection. We got Alaska by a treaty of purchase, by which we

paid \$7,200,000 for it. The third article of the treaty of 1867, by which we acquired Alaska from Russia, provides:

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

There are probably 5,000 or 6,000 of those Russian people in Alaska—they and their children. Whether or not they were naturalized by that treaty is a very serious question.

Senator DILLINGHAM. How does that language compare with the language of the treaty of Paris, under which we took over the Philippines?

Mr. WICKERSHAM. I have not compared the two, Senator. But this treaty is the supreme law of the land; and it is a solemn obligation upon the part of the Government of the United States to give these people the rights, privileges, and immunities of citizens of the United States. For forty-two years they have been waiting for something to be done which would give them those rights, privileges, and immunities. They are now debarred from taking land; they are even debarred from acting as officers on boats and everything of that kind, because it is claimed that they are not citizens of the United States. I have examined the matter somewhat at length, and I am persuaded that that is not their true status. I am persuaded that they have been naturalized by the treaty itself. But that is a very serious question. I am not supported in that view by a great many people, and probably not by the courts. But it seems to me that is an obligation which the committee ought to consider in the passage of this bill. It is not provided in this treaty that they shall have all the rights, privileges, and immunities of citizens of Alaska, but those of citizens of the United States. The Supreme Court of the United States and Congress, in one or two instances, have called attention to that particular matter, but it has never been corrected.

Senator CLARKE, of Arkansas. Does not the Constitution of the United States say that Congress shall have power to pass a naturalization law?

Mr. WICKERSHAM. It does.

Senator FRAZIER. Judge Wickersham, what is the character of the people to whom you refer?

Mr. WICKERSHAM. They are very good people, Senator, very good people. They are quiet, conservative, hard-working, and careful people—the very best kind of people. They are very largely fishermen and live along the seacoast, in the old Russian villages, where they lived when we purchased the country in 1867. But at Tatitlek and very many of the other places along the coast they have intermarried with the natives, as they had done for one hundred and fifty years; and they and their half-breed descendants are considered by the Government as Indians, and they have actually appointed Indian agents over them at Tatitlek and other places. That is a most outrageous proceeding, in my view of the law, and one entirely in disregard of our obligations under the treaty.

I mention that, because in my bill I have declared them to be citizens of the United States and extended naturalization to them. If that bill were passed by Congress, it would, without any question, extend naturalization to those people, and it ought to be done.

It is a very serious question, in my judgment, whether Congress ought now to reduce the Territory of Alaska to a district, and take away some of its rights, rather than to extend them. Of course that is a matter that this committee can appreciate very much better than I can, and I only suggest it.

An eminent lawyer in the House has recently called attention, in the discussion of the government of the Canal Zone, to the inquiry as to whether in a Territory of this kind Congress can delegate power to a commission, and in the preparation of my remarks I want to include his remarks upon that question. But I will call attention to just one or two little suggestions which he makes, very briefly.

Senator DILLINGHAM. To whom do you refer?

Mr. WICKERSHAM. I refer to General Keifer, in his argument in the House on the Canal Zone bill. He used there this expression. (I have marked a great deal of it, but I will quote only one or two expressions now.) He says:

Under the Constitution of the United States all laws must be of a representative legislative origin. Laws for a Territory must be made by Congress or by a territorial legislature popularly chosen.

That seems to be his opinion upon the matter.

Senator CLARKE, of Arkansas. He probably never heard of this act admitting Arkansas:

That the legislative power shall, until the organization of the general assembly as hereinafter provided for, be vested in the governor and the judges of the superior court of the Territory.

There happen to be three of them.

The CHAIRMAN. The same thing was done in the case of the Louisiana purchase.

Senator HUGHES. I know it has been done in the case of Louisiana and Florida.

Mr. WICKERSHAM. But in the case of the Louisiana purchase provision was made for a governor and 13 discreet persons, who should be residents of the Territory, to be selected by the President.

The CHAIRMAN. But whether they are residents or not has nothing to do with the delegation of power, the point you are now raising.

Mr. WICKERSHAM. Probably not; but I call attention to it without citing my own opinion, because that would not be important.

The CHAIRMAN. Was this question discussed by the Supreme Court of the United States in the insular cases?

Senator HUGHES. No. The question there was whether the Constitution gave to those people the right as against Congress; but not as to whether Congress—

The CHAIRMAN. Yes; that is true; but in a subsequent case did not the Supreme Court pass upon the power of Congress to delegate legislative authority to an appointed commission in the Philippines?

Senator HUGHES. No; I think not.

The CHAIRMAN. Perhaps not, then.

Senator HUGHES. We had that matter before the Committee on Interoceanic Canals, and Senator Flint said it never had come up here.

Mr. WICKERSHAM. The Supreme Court of the United States, in the case of *Rasmussen v. The United States* (a case coming up from Alaska, testing the constitutionality of the jury law as extended to Alaska by Congress), passed to some extent upon the question as to whether the Constitution extends to Alaska, and held that it does; that it is extended to Alaska by virtue of its incorporation into the United States. In that case the Supreme Court held broadly that Alaska was incorporated within the body of the United States by the purchase and the treaty, and that therefore the Constitution extended to Alaska. So whatever constitutional rights the citizens and people of Alaska have, they ought to be preserved. I suggest that only for that reason—not because my opinion is of any value; but I will cite whatever authority I can find. I should therefore like to read just a little more from what General Keifer has said, because it bears upon the question of the sentiment, at least, in favor of giving the people of this Territory some rights in the government of the Territory.

On page 7 of his speech he said:

What their own chosen legislators may do in an organized Territory is in harmony with self-government within their reserved powers. Being citizens of the United States, as we have seen, protected in all their natural rights and those granted to them by the Constitution, and incident to our free form of self-government, there can be nowhere found any right, constitutional or otherwise, to authorize one individual, not even chosen by them, to make laws for their government, affecting their peaceful enjoyment of life, liberty, and property. What may be done by a legislative body chosen by the people of a Territory formed under an organic act of Congress, restrained and limited by the Constitution of the United States, and in harmony with usual legislative action and confined to rightful subjects of legislation, is in no way a precedent for individual legislation by the President or his appointee.

There are other citations here that I might make; but I will add them to my remarks later on.

Of course, Mr. Chairman, I wish to protest generally against this law, because it gives to a military commission, or to a commission composed at least partly of military officers, legislative power in the Territory of Alaska. The people up there are quiet. They have lived in this country for forty-two years. They are building up a magnificent empire. They are peaceful, law-abiding, good citizens. They are men of character and worth. Fifty thousand American miners in that country are doing more than any other 50,000 American men within the territory of the United States to increase the output of the wealth of that country, and to turn its virgin wealth into the channels of trade in the United States.

Twelve years ago the city of Seattle, where Senator Piles now lives, was practically a bankrupt city; and the whole of that part of the Pacific coast was in the same situation. Particularly, however, was that true in the case of the towns on Puget Sound. But one day a ship came in, loaded with excitement and gold from Alaska—the discovery ship from Alaska. From that moment to this that section has grown as no other section in the West has grown. It has grown up from a straggling village, almost twelve years ago, to be the New York of the Pacific coast to-day. And it is absolutely all due to these hardy miners in Alaska. They are the best people in the world—as law-abiding as the people in Massachusetts or any other part of the United States. There is no reason why those 50,000 men in Alaska should be governed by a military commission.

There is not any reason on earth that I know of why those 50,000 American miners in Alaska should not at least be taken into consideration and into partnership in the management of the government of their country. The people who are doing big business up there are evidently afraid to have them brought into partnership in the management of their country, because they are known to be wide-awake and honest and courageous; and it is known that if they were in partnership with the local government the great fishing interests, the great copper interests, the great coal interests, would be watched and conserved as they will not be in any other way. The Senators from Washington, particularly, ought to be in favor of giving those people some relief in this matter. They are earnest and courageous and honest and hard working. They want the assistance of Congress so that they may build up there a great commonwealth; and they will. Alaska will make four great States in the Union some time, if you will give the people up there an opportunity to build them up. And I stand here as their representative, protesting against taking away what little remnant of right Congress has heretofore given them in the way of popular government—for that is just what this bill does. The Delegate from Alaska might just as well resign and go home if this bill is passed. The people of Alaska will have nothing more to say about it hereafter. This bill is not in accordance with the principles of our American Government; and on behalf of the people of Alaska I earnestly protest against it.

I want to call the attention of this committee now to the necessity of a bill giving to the people of Alaska some form of a legislative assembly. In his speech at Seattle President Taft adverted to this particular proposition and said:

Alaska is a country of immense expanse, and the governmental needs of the southeastern portion, near to Washington and the Northwest, are quite different from those of Nome and of the Seward Peninsula and of the valley of the Yukon. Such a Territory has need of local legislation and local government, which can only be understood by those who are on the ground; and it is utterly impossible and impracticable for Congress in its legislation to govern the details by legislation required for the best development of the Territory. There has been no authority in the Territory having an adequate jurisdiction to meet the exigencies of such a young and potentially prosperous Territory.

The CHAIRMAN. Will you read what he said against an elective legislative body there?

Mr. WICKERSHAM. Yes. He says:

It has been proposed that Congress should give to Alaska the regular form of territorial government, under which a legislature might be elected and a governor named, and between the two they might be given the powers ordinarily given to the legislature and executive of regularly organized Territories. I think this would be a great mistake, because I do not think the Territory has a population of sufficient number or sufficient stability and permanence of residence to warrant the delegation to a locally elected legislature of such authority. Many of the places in Alaska where there is considerable population are nothing but mining camps, with all the migratory and temporary features of such settlements. More than that, the population is so small, as compared with the vast expanse of the Territory, that it would be unwise to provide that a comparatively small population in southeastern Alaska should elect representatives to legislate for the enormous territory reaching from British Columbia to Bering Sea and the Arctic Ocean.

Senator FRAZIER. What have you to say about the character of the people, whether they are permanent residents there, and what capacity they have for electing a legislature?

Mr. WICKERSHAM. I have this to say, Senator: I had the pleasure of appointing a young man to West Point not long ago because the President held that Alaska was a Territory; and that young man was born and raised and educated in Alaska.

Senator DILLINGHAM. Where did he come from?

Mr. WICKERSHAM. He came from Juneau. There are thousands and thousands of school children throughout that country. We have fine schools; we have hospitals and towns and villages, all connected with the lines of telegraph that Congress has built. There is a large population of people there, constantly building up that country; and it is a permanent population at that. There is not any question about that, Senator. The towns of Ketchikan, Wrangell, Juneau, Sitka, Skagway, and Haines are all more than 20 years old.

Senator DILLINGHAM. Those are all in southeastern Alaska.

Mr. WICKERSHAM. They are all in southeastern Alaska; but I went to Fairbanks in 1903, Senator, and it was then laid out as a town, and had four or five hundred people; and now it has 6,000 people. We have a railroad there; we have telegraph lines, telephones, electric light, steam heat, and practically everything that you have in one of your good western cities, including a permanent population. I have just given to Senator Clarke photographs and pictures of our farms there in that valley.

Senator DILLINGHAM. How about Circle City?

Mr. WICKERSHAM. Circle City has a good, big population, just as it has had for twenty-five years.

Senator DILLINGHAM. It was practically dead when I was there.

Mr. WICKERSHAM. It was to some extent, because they had left there about the time you were there to go to the recent strike at Fairbanks; but those people come back. They go back to their old homes.

The CHAIRMAN. May I ask you a question about population, Judge Wickersham?

Mr. WICKERSHAM. Yes, sir.

The CHAIRMAN. I see that you are about to conclude your remarks. Most authorities have stated that there are about 30,000 white people in Alaska. I observe that you say—I am not questioning it, but I am asking for information—that there are 50,000 miners up there.

Mr. WICKERSHAM. I think so; yes.

The CHAIRMAN. Fifty thousand white miners?

Mr. WICKERSHAM. I think so.

The CHAIRMAN. How many women are there in the Territory?

Mr. WICKERSHAM. I include the women in that number of 50,000.

The CHAIRMAN. What would you say would be the proportion of men to women?

Mr. WICKERSHAM. Oh, I should judge the men would be in the proportion of about 3 to 2, at least 4 to 2, perhaps.

The CHAIRMAN. That is, 2 to 1?

Mr. WICKERSHAM. In other words, there would be two men for every woman, at least.

The CHAIRMAN. Two men for every white woman?

Mr. WICKERSHAM. Yes.

The CHAIRMAN. That would make, then, how many men, would you say?

Mr. WICKERSHAM. I could not give you the exact figures.

**Senator DILLINGHAM.** Do you remember how that was by the census of 1900?

**Mr. WICKERSHAM.** There was probably a greater proportion of men then.

**Senator DILLINGHAM.** My recollection is that there were 27,000 men and 3,000 women.

**Mr. WICKERSHAM.** Yes; but the proportion is altogether different now.

**The CHAIRMAN.** Even according to that, how do you account for the fact that in the whole district there were only between 9,000 and 10,000 votes cast, of which you had a plurality?

**Mr. WICKERSHAM.** The people simply did not go and vote. Of course the polling places were in the larger towns, generally; the population is scattered out probably for 15 or 20 miles, all around, and people do not go to vote for more than 5 or 6 miles. They do not take enough interest in it to go and vote at any great distance. I think that is the situation in all the western towns.

**Senator FRAZIER.** Do you think that would be so if they were granted some degree of self-government?

**Mr. WICKERSHAM.** I know it would not. If they had anything to vote for, I know they would go and vote. Our vote at the last election for Delegate was somewhat larger than it was at the preceding election.

**The CHAIRMAN.** Yesterday, if I remember rightly, Judge—if not, you can correct me—I believe you stated that the last election, in which you succeeded, was an exceedingly warm one. There was the Democratic party; there were two branches, you said, of the Republican party; and there was the labor party.

**Mr. WICKERSHAM.** The labor party; yes.

**The CHAIRMAN.** And the contest was very vigorous. And yet, notwithstanding that, there were only between nine and ten thousand votes polled all together, of which you had a plurality.

**Mr. WICKERSHAM.** I do not remember to have said anything about the vigor of the campaign. I put some vigor into it myself and so did my opponents, but I do not think the people did.

**The CHAIRMAN.** I got that impression from your statements, from reading the platform, and the general conditions up there.

**Senator FRAZIER.** You think the vigor was very largely confined to the candidates, do you?

**Mr. WICKERSHAM.** I think it was largely confined to them.

I also have a clipping here from the Seward Gateway, one of our papers published up there, on the subject of a commission, and I should like to add it to my remarks later on.

**The CHAIRMAN.** Very well.

**Mr. WICKERSHAM.** President Roosevelt, also, has spoken about this particular matter, and I want to call attention to his remarks as to the necessity for some form of government in Alaska.

**Senator CLARKE,** of Arkansas. While you are looking for that, Judge Wickersham, let me ask if I understood you to say that the census of Alaska was taken last December?

**Mr. WICKERSHAM.** It was, Senator.

**Senator CLARKE,** of Arkansas. Has it been compiled and the reports published?

Mr. WICKERSHAM. No, sir. I am filing protests against that census as vigorously as I can.

Senator CLARKE, of Arkansas. On what ground?

Mr. WICKERSHAM. On the ground that it was taken in violation of the law.

Senator CLARKE, of Arkansas. Do you mean that it was taken unfairly or taken out of time?

Mr. WICKERSHAM. It was very unfairly taken.

Senator CLARKE, of Arkansas. Under what pretended authority was it taken?

Mr. WICKERSHAM. I do not know.

Senator CLARKE, of Arkansas. Did the enumerators just go up there and take it of their own volition?

Mr. WICKERSHAM. No; Mr. Durand is responsible for it. I talked with him about it. He told me that he was advised by his people up there in the Bureau of Education that the census of the Indians could be better taken in December than at any other season of the year.

The CHAIRMAN. Is it not the truth, Judge, that Mr. Durand was told that if a correct census was to be taken that was the best time of the year to take it, and that he therefore had to do that, and proposed to report the matter to Congress and get legislative authorization, the general census law concerning the United States fixing the taking of the census at a time when it was impracticable to take it in Alaska? Is not that the reason that Mr. Durand gave you for taking that census at that time?

Mr. WICKERSHAM. Yes, sir; that is the reason he gave.

The CHAIRMAN. And it was true, was it not?

Mr. WICKERSHAM. No; it is not true. It is not true. The truth is that he could have taken the census in March and April, about the time Congress said it ought to be taken, very much better than he could at any other time.

The CHAIRMAN. What do you suppose his purpose was, Judge Wickersham?

Mr. WICKERSHAM. Oh, I think he was misled by those people up there, who had in view only the purpose of counting the Indians. When a man gets into the Indian service he is apt not to see anything but Indians; and they advised him that it was better to take the census at that season than at any other time. I do not think he had any ulterior purpose in his mind. I think he knew so little about Alaska that he accepted whatever they told him, and did it; and I think that is the trouble, Senator, with many of these things.

The CHAIRMAN. Mr. Durand is an exceedingly careful man—one of the most careful men that any of us have ever known, and one of the most devoted to his duties. Judging from our experience with him, he is a man who is pretty apt to be thoroughly informed on a matter before he takes any steps regarding it.

Mr. WICKERSHAM. He is thoroughly informed on that matter, and he told me that the census was taken there without any specific authority of law.

The CHAIRMAN. Yes; but I mean I should think he would be posted as to the best time for getting a complete census. He is a man of the very highest quality in that respect—a man who becomes a master of a subject before he acts.

**Mr. WICKERSHAM.** Senator, the business men of Alaska, who have to take things into the interior, go out on the last boat generally. The people at Nome this year very largely came out in September. Many of our people in the interior, hundreds and hundreds of them, came out to go to the Alaska-Yukon Exposition in September. Thousands of people came out of the interior of Alaska to go to that exposition. They can not get back into Alaska, on account of the system of trails there, until January, February, or March. During the months of November and December a fierce rate war was being carried on in southeastern Alaska. Passenger rates were cut to the minimum, and hundreds and hundreds of people from there went down to Seattle and into the States. All of them will go back in a short time, and thousands of them are going back into the interior now over the trails. A greater number of people came out of Alaska this year, under those circumstances, than ever before. It is an annual movement, and it is one that is induced by the peculiar climatic conditions there and the condition of our roads and trails. In January, February, and March those trails are lined with hundreds and hundreds of people going in, and so it is now. The census, however, was taken in December.

**Senator CLARKE,** of Arkansas. Judge, why do they come out of there at all?

**Mr. WICKERSHAM.** They come out of there because we have not the necessary supplies of various kinds in the country. If they want to do business of any kind in the States they have got to come out and take their supplies in and do all their business and go in over the trails in January, February, and March.

**Senator CLARKE,** of Arkansas. What physical obstruction is there in the meantime?

**Mr. WICKERSHAM.** Simply their inability to get over the country.

**Senator CLARKE,** of Arkansas. What does the obstruction consist of?

**Mr. WICKERSHAM.** There is no road there.

**Senator CLARKE,** of Arkansas. Why is there not as much road there at one season of the year as there is at another?

**Mr. WICKERSHAM.** Simply because it is such an enormous distance, and the conditions in the summer prevent crossing the country, which is easily traversed in the late winter and spring over snow trails.

**Senator CLARKE,** of Arkansas. Is the distance any greater in January than it would be in June?

**Mr. WICKERSHAM.** No.

**Senator CLARKE,** of Arkansas. Is it not because the ground is covered with ice and snow and they can not get over it?

**Mr. WICKERSHAM.** Why, no. That is, when they do get over it, Senator. We travel in that country in January, February, and March, when the snow is on the ground.

**The CHAIRMAN.** Then is not that one reason for taking the census at that time, when they can travel around?

**Mr. WICKERSHAM.** Yes.

**Senator DILLINGHAM.** In the summer they go over the trails.

**The CHAIRMAN.** Then is not that the reason why they can take the census better then—because the census people can travel around?

**Mr. WICKERSHAM.** In December? No.

**Senator DILLINGHAM.** If you will allow me just a moment; when we were there and Judge Wickersham was holding court at Rampart, Judge Mackenzie (who was the commissioner at Colford, I believe), came down and settled his accounts. He came 900 miles, and was twenty-nine days in making the journey.

**Mr. WICKERSHAM.** He came from away up above the Arctic Circle.

**Senator DILLINGHAM.** But he followed the trails.

**Mr. WICKERSHAM.** Now, gentlemen, I think I have said all I want to say to you about this matter. I am most earnest in objecting to the passage of this bill.

**The CHAIRMAN.** Before you go, there is one remark I want to make as chairman of the committee concerning the fish law that was referred to this morning, and the abolition of those taxes.

**Senator HUGHES.** And the cannery matter.

**The CHAIRMAN.** A great many of us on this committee were surprised at the statement that was made, and we at once looked it up. It turns out that it never went through this committee at all.

**Mr. WICKERSHAM.** No; I know it did not.

**The CHAIRMAN.** It went through the Committee on Fisheries.

**Mr. WICKERSHAM.** I looked that all up, Senator.

**The CHAIRMAN.** In regard to the building of the so-called Guggenheim roads, if I remember rightly—I am sure that other members here do—there was an application for several franchises before this committee, and among them that one. It was not favorably acted upon by the committee, however; and I think that road has since been built under the provisions of some general law.

**Mr. WICKERSHAM.** Yes.

**The CHAIRMAN.** This committee was not concerned in either of those matters. They never went through this committee. That is all.

**Mr. WICKERSHAM.** But the people are concerned. They are especially concerned in this bill, because if this bill passes the Guggenheims will have advantages which they can not possibly get in any other way, and which they could not get if the people of Alaska had a local legislature and any chance to legislate upon these matters themselves. It is not, Senator, that the people of Alaska do not want the Guggenheims to build that road, for we do want them to build it. I have been out over their road from Cordova up to the Copper River, and they are building a magnificent road. We want them to build that road. We want them to develop the country. We want the coal mines and the copper mines opened. We want them developed. But we do not want the whole country turned over to one great corporation merely to get it developed.

**The CHAIRMAN.** Of course no one here wants to interrupt the course of your remarks, Judge Wickersham. If you are through, we merely wish to have it understood that your statement concerning this proposed legislation—which is, as you have correctly stated, really the President's plan—that it would in any sense turn this country or any advantages in it over to the Guggenheims or any other interests, is not correct, but quite the reverse, according to the views of other people.

We are very much obliged to you, Judge, if that is all you have to say.

**Mr. WICKERSHAM.** If this bill should pass, I think, of course, that the reverse would be true.

The CHAIRMAN. There are differences of opinion upon that matter.

Mr. WICKERSHAM. You would have the people of Alaska bound hand and foot and the national resources of the Territory in the hands of a few people. I beg the committee not to pass it.

The CHAIRMAN. We are very much obliged to you.

#### STATEMENT OF MAJ. W. P. RICHARDSON, U. S. ARMY.

The CHAIRMAN. We shall be very glad to hear any statement you have to make, Major Richardson. By way of introduction, I shall ask you to state your name and position in the United States Army.

Major RICHARDSON. I am a major of infantry, United States Army.

The CHAIRMAN. How long have you been in the service, Major Richardson?

Major RICHARDSON. I graduated from West Point in 1884.

The CHAIRMAN. What was your first detail to Alaska?

Major RICHARDSON. As an assistant to Capt. (now retired Gen.) P. H. Ray, to investigate conditions in Alaska, in 1897.

The CHAIRMAN. In 1897?

Major RICHARDSON. In 1897.

The CHAIRMAN. Who detailed you there?

Major RICHARDSON. The Secretary of War detailed Captain Ray and authorized him to select a lieutenant to accompany him. He asked me to go with him.

The CHAIRMAN. How long did you spend there in that service at that time?

Major RICHARDSON. About twenty-five months.

The CHAIRMAN. Where were you then detailed?

Major RICHARDSON. About three months after my return to the States I was detailed as adjutant-general of the Department of Alaska, commanded by Gen. George M. Randall (now retired), and returned to Alaska the following June.

The CHAIRMAN. What was your next detail that put you in Alaska, physically?

Major RICHARDSON. Two years after that, during the second fall, I came back. The following summer, 1902, I was detailed to build an army post at Haines Mission, near Skagway, which work occupied me for two years and three or four months.

The CHAIRMAN. Go ahead and state your services under detail from the department from that time to this.

Major RICHARDSON. In January, 1905, I was ordered here to close my accounts. After about three months here I was detailed to take charge of the Board of Road Commissioners for Alaska which was provided for in a law of Congress approved January 27, 1905. I left Washington in March to take up that work, and I have been on it ever since.

The CHAIRMAN. So that beginning with 1897 you have been either detailed in Alaska physically or else in charge of that military district?

Major RICHARDSON. Yes; except for about a month, I have had no other duty for twelve years and a half.

The CHAIRMAN. You are, of course, very familiar with the country?

Major RICHARDSON. I am fairly so, I think; yes, sir.

The CHAIRMAN. You have been pretty well over it?

Major RICHARDSON. I have been over all the traveled sections and some of them that are not much traveled.

The CHAIRMAN. How many white people should you say there are in Alaska?

Major RICHARDSON. The last census gave a little over 30,000, if I remember correctly; and it is my opinion that there are fewer people there now than there were in Alaska in 1900.

The CHAIRMAN. Fewer now than then?

Major RICHARDSON. Fewer now. There are reasons for that, perhaps; but I do not know whether the committee would care to hear them.

Senator CLARKE, of Arkansas. Oh, yes.

Major RICHARDSON. There was, of course, great excitement and a rush to the country on account of this remarkable discovery of gold, and conditions were very bad in the States at that time. Later on conditions improved, giving employment to men here in the States under more favorable conditions at good wages. Then a strike of gold was made in Nevada which attracted the mining part of our population, and those causes operated to stop the movement of people to Alaska temporarily. Many were disappointed, of course, and found conditions there very hard and became discouraged and returned to the States. The country has progressed, however, and the population has changed in character considerably. It is more stable; people have comfortable homes; there is a different kind of freight going in—furniture and the comforts of life. There are a great many children, the people have schools, and in the small towns they are quite comfortable. So the character of the population is different from what it was for two or three or four years, when it was nearly all men.

The CHAIRMAN. What is the fact, Major, about the ease or difficulty of transportation between the settled portions of the Territory—as, for instance, getting up to the Tanana district and the Nome district from the Juneau district?

Major RICHARDSON. Alaska has a remarkable system of waterways, both in southeastern Alaska in the inland channels and also in the rivers of the interior, but away from the waterways it is the most difficult country to travel over that you can imagine anywhere in the world. A considerable amount of it is broken and rugged. The valleys are generally covered with thick undergrowth and brush. There are deep snows in winter, and in summer the ground is permanently frozen underneath. The moisture can not sink down, and there is a condition of marsh and swamp over all the valleys and the flat section of the country, so that it is almost impossible to traverse the country without some way being provided—a trail, or a road, or some sort of passable route.

The CHAIRMAN. And it is in the building of these trails and roads that you are now engaged, under detail?

Major RICHARDSON. Yes, sir.

The CHAIRMAN. Since you were detailed to be in charge of that work in Alaska, how do you happen to be here? By direction of the department, or how?

Major RICHARDSON. By order of the Secretary of War.

The CHAIRMAN. That is how you are here now?

Major RICHARDSON. Yes, sir. At the beginning of my work, the first year, I reported to the Secretary of War that the fund accruing from the Alaska tax, under which we were working, was so small that it would be a long time before any appreciable results could be accomplished; and I stated that the available money was so inadequate that I would be glad to come to Washington, at my own expense, to lay the facts before the Secretary of War and before the proper committees of Congress.

The CHAIRMAN. Respecting the matter of transportation?

Major RICHARDSON. Yes, sir. The answer to that was a telegraphic order to come to Washington. Each year since then I have been ordered by the Secretary to report to Washington in order to go before the committees and represent the needs of Alaska in respect to my work. I have been appearing before the Military Committees of the House and Senate.

The CHAIRMAN. Have you, Major Richardson, in any way, directly or indirectly, represented or worked for any interest except the interests of the United States Government?

Major RICHARDSON. I have not, sir.

The CHAIRMAN. Have you ever had (and in your answer state it as fully as you like; I am putting the questions so as to bring the matter more clearly to your attention) any connection or relation of any kind whatever, directly or indirectly, with either what are known as the "Guggenheim interests," or any other commercial interests, or any other interests whatever?

Major RICHARDSON. None whatever, sir; except personal acquaintanceship with some of the personnel.

The CHAIRMAN. What do you mean by that? The people representing those interests who are in Alaska and whom you met during your service there?

Major RICHARDSON. Yes, sir. I should like to state—

The CHAIRMAN. I will ask you just one question further, and then, if you have anything more to say, or if the committee has anything to ask, go ahead. Has any person connected with any interest of any kind, directly or indirectly, made any suggestions to you respecting their interests or the advancement of them?

Major RICHARDSON. Oh, yes, sir. Some interests up there have asked me to aid them; and where I could, I have not hesitated to do so.

The CHAIRMAN. Aid them in what way?

Major RICHARDSON. In recommendations—as, for instance, in regard to the transportation of supplies up the Yukon River from St. Michael by boat. It is a very dangerous passage around the outside of the island of St. Michael. There is a little canal that passes behind the island, which needs some improvement to make the passage of that route safe. I think the Senators are familiar with that.

Senator DILLINGHAM. We made a special report on that project, recommending it.

Major RICHARDSON. And the commercial transportation interests have asked me to go before the board of engineers on the subject to state the condition, and I shall be glad to do it.

The CHAIRMAN. That is, the steamboat companies on the Yukon?

Major RICHARDSON. Yes, sir.

The CHAIRMAN. I did not have any reference to that, but more especially to interests asking you or suggesting to you in any way, shape, or form that you (I have forgotten the words used here yesterday) should represent them or help them in any way?

Major RICHARDSON. No, sir; none whatever—in no way outside of my official capacity, as an officer representing the Government there. I have not been asked or approached by anyone in that way. By no corporation or other interest in that country have I ever been approached or asked to aid them in any way except in the matter of official recommendations relating to things which were of apparent benefit to the Territory. Naturally, Senator, having been in that country for many years, a great many people come to me and discuss things pertaining to Alaska and ask me what I think about them, and ask me if I can aid them or recommend something or other. If I think I can, consistently with my duty, I do so. If I do not, of course, I say I can not. But so far as engaging in any personal way is concerned, I never have had any relation of that kind, nor has anyone ever approached me in that way. I think my character is well enough known in that country to prevent such a suggestion ever being made to me.

The CHAIRMAN. You may make any further statement you wish; or if any other member of the committee has any questions, I should be glad to have him ask them.

Senator NELSON. If Major Richardson will allow me to interrupt him there, I want to say that he has been of great assistance in getting special appropriations from the Military Committee for this road fund. How much have we gotten in all since we took up that work, Major?

Major RICHARDSON. A million dollars, Senator.

Senator NELSON. I mean outside of this Alaska fund?

Major RICHARDSON. Yes, sir; a million dollars.

Senator NELSON. We have gotten a million dollars in direct appropriations?

Major RICHARDSON. Yes, sir.

Senator NELSON. And that has been done largely because Major Richardson has been down here and explained the conditions to the War Department, and has himself appeared before the committees of both Houses. Since that act was passed, in 1905, the Alaska fund would have been but a trifle—it was passed in 1905, was it not?

Major RICHARDSON. Yes, sir.

Senator DILLINGHAM. That, Senator Nelson, was directly in accordance with the recommendation that we made after you were there.

Senator NELSON. Oh, yes; certainly. I appeared once or twice with Major Richardson before the Senate committee, and the Major has looked after the matter before the House committee. But for his efforts we never should have secured that appropriation for the road and bridge and trail fund, which I regard as one of the most vital needs of Alaska.

Senator DILLINGHAM. The committee ought to understand that five years ago there was not a highway in Alaska.

Senator NELSON. That is true.

Senator KEAN. About how many miles of road and trail have been built, Major Richardson?

**Major RICHARDSON.** We have, Senator, about 720 miles of passable wagon road. Much of it, of course, is of a character that you would call very poor country road in this country; but it is passable for wheels.

**Senator KEAN.** You mean, we would call it that in New Jersey?

**Major RICHARDSON.** But we have 200 or 300 miles of good, country wagon road there, over which tonnage can be transported in summer. We also have several hundred miles of what we call trail. It is, of course, simply constructed for use by dog teams or pack animals. Then we have over 400 miles of what we call "winter sled roads," suitable for winter traveling; and of course all of our summer roads are used also for winter travel in addition. Besides that, we stake many hundred miles of the trail every winter for the guidance of travelers through the treeless sections.

**Senator NELSON.** Before this law was passed, Mr. Chairman, and before this commission was appointed, I do not think there were any roads or trails in Alaska. Perhaps the miners had made little pack trails here and there, but there was no systematic work in any direction.

**Senator KEAN.** Then you have practically about a thousand miles of road, all told, and how many miles of trail?

**Major RICHARDSON.** About 720 miles, including all roads passable for wheels.

**Senator NELSON.** Summer and winter roads?

**Major RICHARDSON.** Yes; summer and winter roads. In addition we have over 400 miles of what are known as "winter sled roads," which are not passable in summer. They pass over swampy and low country. Then we have about 200 miles of ordinary trail, which has not been cut wide enough for double sleds.

**Senator CLARKE, of Arkansas.** Did you prepare the bill that is pending before the committee, Major, or were you consulted in its preparation?

**Major RICHARDSON.** I was consulted in respect to certain features, Senator.

**Senator CLARKE, of Arkansas.** Have you another bill which you prepared, which you have in your charge, which contains a provision that when a railroad builds into a coal field it may select 5,000 acres of each coal field at the price of \$10 an acre?

**Major RICHARDSON.** That bill is here, Senator. I will state that a gentleman by the name of Mr. Falcon Joslin drew up that bill and sent it to me, and asked me if I would look it over and see if I thought it was a workable proposition. I modified it, and made a number of changes and recommendations; and finally it was embodied in the form of a bill.

**Senator CLARKE, of Arkansas.** It is your purpose to hand that to some Member of Congress to have it introduced, is it?

**Major RICHARDSON.** No, sir.

**The CHAIRMAN.** To whom did you first report that bill? To the department?

**Major RICHARDSON.** Mr. Joslin had delivered a copy of it to Mr. Wickersham, the Delegate from Alaska, and wanted him to introduce it.

**The CHAIRMAN.** Was the bill presented also to the President or the War Department or any officers there?

**Major RICHARDSON.** A copy of it is in the hands of the President, Senator Beveridge.

**Senator FRAZIER.** Who is this Mr. Joslin of whom you speak?

**Major RICHARDSON.** He is a railroad man in Alaska, who has a small railroad known as the Tanana Valley Railway, near Fairbanks.

**Senator CLARKE, of Arkansas.** Is that particular railroad, or any other railroad there, in any way related to your official service—the improvement of the ordinary highways, the roads?

**Major RICHARDSON.** No, sir. I should like to read just—

**Senator PILES.** I know Mr. Joslin very well.

**Senator CLARKE, of Arkansas.** I want this committee to understand your connection with Mr. Joslin. Why were you given permission, or why did you assume authority, to amend this bill of his, and interest yourself in it otherwise?

**Major RICHARDSON.** At the request of Mr. Joslin. As I say, pretty nearly everyone who is interested in Alaska or has anything he wants to promote—a great many of them, at least—come and talk with me, and consult me, and ask me what I think about their matters.

**Senator CLARKE, of Arkansas.** And give you authority to recast their bills to suit yourself?

**Major RICHARDSON.** Mr. Joslin asked me to modify this bill in any way I wanted to. I sent it back to him and he modified it himself. It has been rewritten four or five times.

**Senator CLARKE, of Arkansas.** Against what objections did you modify it?

**Major RICHARDSON.** I can not recall now; mostly as to the phraseology. I remember particularly that in the case of the first clause there was a suggestion as to how it should be handled. The bill provided that it should be handled by a railway commission composed of five members.

**Senator CLARKE, of Arkansas.** Yes.

**Major RICHARDSON.** I suggested that that ought to be three, because it was going to work under the War Department, and they ought not to have a number of other departments represented.

**Senator CLARKE, of Arkansas.** That was a matter you undertook personally; but it had no connection with your service as a road commissioner?

**Major RICHARDSON.** No, sir.

**Senator CLARKE, of Arkansas.** How many other personal matters, independent of your road service out there, have you had charge of before this Congress?

**Major RICHARDSON.** I have not had charge of any, Senator.

**Senator CLARKE, of Arkansas.** How many have you been consulted in, in an authoritative way?

**Major RICHARDSON.** I have been consulted in regard to this matter of the navigation of the Yukon. I have also been consulted in regard to the improvement of the coastwise lighting, which is a most important thing for that country; and I have said that if I were ever called upon, or it were brought to me in any proper way, I should be glad to give evidence in favor of some plan to improve the lighting of that coast.

**Senator CLARKE, of Arkansas.** Your connection with them has in no case gone beyond a mere willingness to impart information!

**Major RICHARDSON.** No, sir.

Senator CLARKE, of Arkansas. You have not undertaken to prepare measures and to see to their introduction and enactment into law?

Major RICHARDSON. No, sir.

Senator CLARKE, of Arkansas. You have not given anybody a copy of that bill?

Major RICHARDSON. I have given Mr. Wickersham a copy. He already had a copy.

Senator CLARKE, of Arkansas. Why did you give it to him? Why did you take enough interest in it to give him a copy of it?

Major RICHARDSON. I am not sure but what he asked me for it. If he did not, Mr. Joslin spoke to him about it; and Mr. Wickersham said to me that he wanted to see it, and assured me that he would like very much to take charge of it and put it through. He said: "I am with you absolutely on that bill, and I think it ought to be done."

The CHAIRMAN. You reported it also to the President, did you?

Major RICHARDSON. Yes, sir; I was just going to state that. I am not going to read all of this, but just a clause. I will state that this is a letter I sent to the President:

[Extract.]

I send herewith a draft of bill for aid in railroad construction, which is drawn in its main features along the lines of the Philippines bill, with such modifications as seemed necessary to meet the conditions in Alaska. I have given much study to the subject, and the result is put in the form of a bill, for convenience in presenting.

Senator CLARKE, of Arkansas. But you did not state there that that bill originated with Mr. Joslin, or whatever his name is?

Major RICHARDSON. No, sir. He drew the first draft.

Senator PILES. Let me say something here that may enlighten you, Senator Clarke. When President Taft was out at the Alaska-Yukon-Pacific Exposition, in Seattle, in September, he made a speech from which Judge Wickersham has read certain extracts here to-day. In that speech he stated that he was in favor of having the Government extend aid to the construction of railroads in Alaska. He said he thought that would bring about a great development in that country. After he made that remark, a number of the people there who were interested in the development of Alaska took up the proposition of bringing about this aid according to the President's declaration.

Senator CLARKE, of Arkansas. Did they bring you any bills?

Senator PILES. No; I have not had any bills at all.

Senator FRAZIER. Did you recommend that feature with respect to the coal lands—giving to the railroads coal lands at the rate of \$10 an acre?

Major RICHARDSON. The bill provides for a lease. I saw the word "sold" there, and I marked it "leased," and it is, or should be, "leased" in the bill.

Senator CLARKE, of Arkansas. The bill provides that they shall be entitled to buy it at \$10 an acre.

Major RICHARDSON. No; "to lease it."

Senator CLARKE, of Arkansas. Well, a perpetual lease at \$10 is the same thing. The bill does not fix any length of time.

Major RICHARDSON. Senator, I had no expectation of the bill being introduced in that form. I merely drew an outline there.

Senator CLARKE, of Arkansas. It has been a matter of some discussion here, and I thought I would ask you a few questions about it.

Major RICHARDSON. If you gentlemen will bear with me now for a few minutes, I should like to go into the railroad question just a little bit. I shall not take up much of your time.

Senator CLARKE, of Arkansas. I have only got a minute. I have to go to another committee, but I should be glad to hear you.

Major RICHARDSON. I shall talk as rapidly as I can.

Senator CLARKE, of Arkansas. Just go ahead in your own way.

Major RICHARDSON. When President Taft was Secretary of War, he was before a committee of the House in reference to aid to the railroads in Alaska. He sent for me and talked to me about the matter; and he instructed me then to keep him advised by reports from time to time as to the progress which was being made in the development of railroads in Alaska, as he was willing to give his support to that development. He was fresh from his work in the Philippines and was much interested in the subject. In accordance with that instruction, I submitted a report from time to time as to the progress made by the railways in Alaska. Last year, after he was elected and before he was inaugurated, I called upon him and asked him if he desired me to continue or approved my continuance in a preliminary way to get things in shape so that some definite action could be taken. He said: "Yes; I am committed on the subject, and you have my authority to do that." It was directly under that authority that I concerned myself with the matter. Otherwise, I should not have done it.

Now, if I have time, I should like to read what I said in my annual report. Of course I do not know whether it is altogether proper for me to relate things I have said to the President, or Secretary of War, which were in a way confidential.

Senator CLARKE, of Arkansas. We do not want you to make any statement here as between you and the President that is confidential.

Major RICHARDSON. I say here:

"Of equal importance with wagon-road construction, to give permanence and stability to the development of the Territory" —

Senator CLARKE, of Arkansas. Are you going to read the entire matter you have there, major?

Major RICHARDSON. No, sir; this is very short.

Senator CLARKE, of Arkansas. Go ahead, then.

Major RICHARDSON (reading):

Of equal importance with wagon-road construction, in giving permanence and stability to the development of the Territory, is the construction of one or more lines of railway. Reference to this subject has been made by me in former reports of the road commission, and several special reports and memoranda have been submitted to the Secretary of War concerning the progress made by various roads attempting and proposing to build in different sections of the Territory. The following quotations are made from one of these memoranda:

"Wagon roads in certain places and pack and sled trails across the country are a necessity in the development of Alaska (and are considered elsewhere), whether railroads are constructed or not, and will always be an aid through sections where the traffic is not sufficient to justify railroad construction, but it can no longer be doubted by those familiar with the district that the one great need is a rail connection between the interior of the district and an open port the year round."

The subject was resolved into two principal propositions:

"(1) Is there evidence at hand in the developments which have taken place in the interior of Alaska during recent years and in the present outlook to justify the belief that its mineral deposits are of an extent and value to give em-

ployment for an indefinite time and yield adequate returns, and are the conditions with respect to climate and soil such as to insure a permanent white population?

"(2) Are the difficulties and expense of transportation attendant upon the development of the resources of this interior country sufficiently great to justify the Government in giving support to railroad construction? \* \* \*

Evidence in support of the first proposition has been accumulating since the memorandum was submitted to such an extent that I think the affirmative view will no longer be questioned. In respect of the second proposition, the statement then made is here repeated in substance: That the freight rates across the country are practically prohibitive, except for short distances, even with the aid of such wagon roads as have been constructed; but even above the question of freight cost is the need for communication with the outside world; means of travel and speedy transmission of the mails during the long period of closed navigation, in order to make a beginning in the substantial development of such a region and give encouragement to private enterprise.

Generally, when this subject has been brought before Congress in the past, one or more representatives of some private enterprise have appeared before the committees in opposition and have stoutly asserted that the said enterprise was prepared to build a railroad into Alaska without assistance from the Government, and seeming to have the impression that their (proposed) road was the only one needed for the Territory's development.

An unbiased inquiry into the progress of these various enterprises during the last few years and into the situation as it exists to-day will show that comparatively little advance has been made toward the fulfillment of such assertions, so far as the needs of the country at large are concerned, which needs do not always lie along the lines, as heretofore stated, where private enterprise, naturally seeking early and safe returns, is most likely to make investment; and such inquiry will also show that several millions of dollars drawn from investors in different parts of the world have been needlessly wasted through various causes, such as a lack of proper information in advance, conflicting local interests in respect of terminals and town sites, and through the selfish ends of ambitious promoters. This is not intended as a reflection upon any person now actively engaged in the work of constructing any road in the Territory, but it can scarcely be doubted that this former wastage, in the event of any particular road being put through to the point when it will be on a paying basis, will then become a part of the obligations of the road for which the traffic and resources of the Territory must pay. It would therefore, in my opinion, be far better if the Government would take the matter in hand and utilize these resources, if necessary, to guarantee the interest on bonds of actual construction along lines that will aid in the general development of the Territory; not interfering with, but giving aid rather, if desired, under proper restrictions to any bona fide private enterprise.

The subject of railroad construction, with aid from the Government, is taken up to this extent here because of its intimate connection with that of wagon-road construction. The two should be considered and dealt with together, and if it should be definitely decided not to extend aid and give direction in railroad construction in the Territory, then continued and increased aid should be given to the building of wagon roads, to the end that the public may have some reasonable alternative against the high rates which must inevitably result from a continuation of the past methods of railroad promotion.

Those are my views with regard to that matter; and they were merely for the information of the President.

That is the entire history of my connection with the matter.

Senator CLARKE, of Arkansas. Is the memorandum bill which you delivered to the President an exact copy of the one you delivered to Mr. Wickersham?

Major RICHARDSON. I think so; yes, sir. I know it is an exact copy; yes, sir. It has been rewritten several times, but I am sure those copies were the same.

Senator CLARKE, of Arkansas. What is the general character of the bill? Is it a general bill authorizing the construction of railroads by a particular company, or by any company?

Major RICHARDSON. It authorizes the appointment of a railroad commission to take charge of such lines as might be designated, subject to the direction of the Secretary of War and the approval of the President. It was intended that this board should be merely an executive board. The board would not have authority to designate any line. It would be subject to approval by the Secretary of War. The bill plainly shows its character.

Senator CLARKE, of Arkansas. I do not remember whether a copy of that bill was left here or not; but if it has not been done, you might leave one here.

Major RICHARDSON. Yes, sir.

Senator CLARKE, of Arkansas. I will ask that that be printed with the record.

Major RICHARDSON. That word "purchase" was not correct; but I corrected it originally, in the copy I sent to the President, to "lease."

Senator CLARKE, of Arkansas. You mean the one right here—that the word "purchase" there should be "lease?"

Major RICHARDSON. It should be "lease."

Senator CLARKE, of Arkansas. But it provides for a perpetual lease at a maximum or specific sum of \$10; so there is no difference on the coal proposition.

Senator HUGHES. It is not a lease based on tonnage, is it?

Senator CLARKE, of Arkansas. No; it is a flat rate of \$10.

Senator HUGHES. Ten dollars a year?

Senator CLARKE, of Arkansas. No.

The CHAIRMAN. Are there any other questions? If not, Major Richardson, I think on the whole the committee will agree with me that it is only fair to you, in order that you may state more fully about it, since it will appear in the statements, that it has been stated here in substance (and I insert in parenthesis that if I quote this wrongly some member of the committee will put me right) that you are here working—

Senator CLARKE, of Arkansas. Put in the word "lobbying."

The CHAIRMAN. Yes—in the interests of and lobbying for the Guggenheim interests especially; and I do not know whether other interests were mentioned or not. What have you to say about that?

Senator CLARKE, of Arkansas. I do not know about the Guggenheim interests; but it was stated that he was lobbying for certain bills and that Mr. Guggenheim would get the profit of them.

The CHAIRMAN. No; the statement was made repeatedly—as I think the record will show—that you were here working in the interest of and lobbying for the Guggenheim interests, and, I think, other interests; but certainly the Guggenheim interests were mentioned. If you have any statement to make with regard to that, the committee would be glad to hear it. I mention it only because I think it is fair to you that you have an opportunity to answer the charge. Do I put that broadly enough? Is that quotation accurately put?

Senator PILES. I think so.

Major RICHARDSON. All I can say is that it is not true, Senator. It is unqualifiedly false. The Secretary of War instructed me the first year I came down to report to Senator Nelson, who fathered this bill, and be guided by his direction; and I have never made a suggestion in regard to legislation respecting my own bill or this

railroad bill without submitting it to Senator Nelson. He knows that I have called upon him.

The CHAIRMAN. You have submitted it to him by direction of the Secretary of War?

Major RICHARDSON. That was under the direction of the Secretary of War. He told me to advise with Senator Nelson and follow what he said. And in respect to this railroad bill or anything else, Senator Nelson, I have never made a move except to submit it to you. I think I know my limitations, and I have tried to keep within them. I have consulted with the Delegate from Alaska, naturally, because he is representing the interests of the Territory, and with the Territories Committees respecting my own particular work of road building in Alaska, and the modifications I wanted to get in the law for the purpose of making it more workable, and probably increasing the fund, and with the Military Committees on appropriations. I have consulted with him in respect to that.

The CHAIRMAN. I think you have already stated that you have had no communication, directly or indirectly, of any kind or manner whatever, with the Guggenheim or any other interests, except your acquaintance with those who represent them who live in Alaska, such as you have with other people there?

Major RICHARDSON. Yes, sir; that is true. I have no relation with them whatsoever. I have never owned anything in Alaska in all the twelve years I have been there. I have never attempted to acquire any property, mining or otherwise. All I have done has been to grubstake a few destitute men who came and begged me for enough money to get them food to go and hunt mines; and I have never gotten any returns from those.

The CHAIRMAN. May I ask your opinion, Major Richardson, as to whether or not the passage of this bill, with this form of government, would redound to any especial or improper benefit of the Guggenheim or any other large commercial interests there? Is it in any way for that purpose?

Major RICHARDSON. I do not think it is, sir. It could only redound to their benefit through the corruption of the members constituting the government. It could not do so in any other way.

The CHAIRMAN. They are appointed by the President and subject to his removal.

Major RICHARDSON. Yes, sir.

Senator FRAZIER. How long have you been here this time, Major?

Major RICHARDSON. I arrived here on the 1st of December. I was absent during the holidays, by permission; and I have been here for the rest of the time.

Senator FRAZIER. Is it your custom to stay during the entire session of Congress every year?

Major RICHARDSON. No, sir. It has happened that I have had to be here quite late in the session. I have been here twice until the end of the short session. During one of the long sessions I was detained here until May before I could get my estimates before the committee of the House; and I had to go before them and then leave the next day. During the other long session I was sick with rheumatism in the hospital at Hot Springs, from April until late in May, and then I went directly to Alaska.

The CHAIRMAN. I understand you to say that whenever you are here you are here under the orders of the War Department?

Major RICHARDSON. Yes, sir.

Senator NELSON. I want to say to the committee, in this connection, that since this road law was passed and the major was appointed at the head of the commission, he has been here every winter. He and I have frequently conferred about these Alaskan matters, and about securing appropriations for roads and trails; and I have found him very helpful. He has given me lots of valuable information about Alaska; and I think he has been very helpful in securing not only appropriations but other legislation. We have had passed some modifications and amendments to the original road law; and there is other legislation that I know he is in favor of. I have talked with Major Richardson about this license to the fish canneries, which they succeeded in eliminating. He believes, as I do, that that should be restored. I can say that he has been most helpful; and without his help I doubt whether we could have secured these extra appropriations for road building in Alaska. The money has all been devoted to road building.

I want to say another thing, and that is that the climatic conditions in Alaska are such that it is utterly impossible to do any road building of any kind there in the winter. All the commission could possibly do would be to prepare plans for the next year's work and to order supplies, and they do not need to stay there for that purpose.

Major RICHARDSON. I should like to say that the secretary of war board has to remain in charge of the office, and during the winter supplies are transported over the winter roads and distributed for summer work.

Senator NELSON. You can get your supplies in?

Major RICHARDSON. Yes, sir.

Senator NELSON. But you can not do any work in the winter?

Major RICHARDSON. No, sir; except certain bridge work superintended by the engineer officer.

The CHAIRMAN. Then, Senator Nelson, in all your experience with Major Richardson, you have not seen anything to indicate improper connection on his part with the Guggenheim or other interests?

Senator NELSON. No; I have not.

Senator FRAZIER. Major, I believe you said that the population of Alaska is now of a more permanent nature than it was in 1900, when the census was taken?

Major RICHARDSON. There are more families there.

Senator FRAZIER. More families and more permanent residents. What is the character of the permanent residents of whom you speak?

Major RICHARDSON. They are very peaceable.

Senator FRAZIER. Are they respectable and intelligent people?

Major RICHARDSON. Very peaceable, and highly intelligent and law-abiding. They are Americans and North-Europeans and Scandinavians—the very best class of population, except that we have quite a sprinkling of Federation miners up there. We have a good many of them, and of course we all know what their record has been.

Senator FRAZIER. You mean labor-organization men?

Major RICHARDSON. Yes, sir. They have given us some trouble.

Senator FRAZIER. Most of those are from some of the States of the Union?

Major RICHARDSON. Oh, yes; they are nearly all from the States.

Senator FRAZIER. Are those people educated and intelligent people?

Major RICHARDSON. Oh, yes.

Senator FRAZIER. Capable of handling their own domestic affairs?

Major RICHARDSON. Oh, yes, sir. The trouble with Alaska is not in the character of the population, but in its wide distribution and unsettled condition.

The CHAIRMAN. You said you thought there were fewer now than at the time of the census, which reported 30,000 whites?

Major RICHARDSON. Yes, sir.

The CHAIRMAN. About how many should you think there are now—25,000?

Major RICHARDSON. I do not believe there are over 25,000 people there. I may be wrong, of course.

The CHAIRMAN. Are there any other questions to be asked of Major Richardson, gentlemen? We want to make progress.

Senator FRAZIER. Major, I want to ask you one question: Are these different settlements, which you say are widely separated, connected by telegraph or other means of communication?

Major RICHARDSON. Yes, sir.

Senator DILLINGHAM. They are government lines, are they not?

Major RICHARDSON. Yes, sir.

Senator DILLINGHAM. Military lines?

Major RICHARDSON. Yes, sir. There are quite a number of them.

Senator FRAZIER. They are used by the public, though?

Major RICHARDSON. Oh, yes, sir; they are used for commercial purposes.

The CHAIRMAN. Out of these 25,000 people, what should you say is the proportion of men to women?

Senator HUGHES. Has the Major said there are only 25,000?

The CHAIRMAN. Yes; he said that just now.

Major RICHARDSON. I should not like to state positively. I should like to state it as my belief that the population has diminished by probably 5,000.

Senator FRAZIER. That is a mere guess of yours, without any statistics?

Major RICHARDSON. Yes. I can see, by going about, that there are fewer people there now than there were five or six years ago. For instance, if you take any particular town, I know there are fewer at that town. I think every town in Alaska has a smaller population now than it had five years ago, except Cordova, perhaps, and the town of Haines Mission.

Senator NELSON. How about Fairbanks?

Major RICHARDSON. Fairbanks has held up pretty well; but I think it has fallen off a little.

Senator FRAZIER. It was stated here that Fairbanks has increased from a small town to one of five or six or seven thousand inhabitants.

Major RICHARDSON. Yes; it did, about four years ago. Since then it has been going down a little.

The CHAIRMAN. What would be the proportion of men to women, Major?

**Major RICHARDSON.** In Alaska, I think, probably there are about 3 men to 1 woman—at least 3 to 1; perhaps 4 to 1. Yes; I should say 4 to 1.

**Senator DILLINGHAM.** Major, is it not a fact that almost every town in Alaska is dependent upon the mining conditions in its immediate neighborhood?

**Major RICHARDSON.** Yes, sir; with one or two exceptions.

**Senator DILLINGHAM.** What is the difference between the winter population and the summer population of Nome?

**Major RICHARDSON.** I should say that about two-thirds of the people stay there during the winter. If there are 9,000 people in the summer in the Nome vicinity (counting in the towns adjacent to the mines), probably there would be at least five or six thousand, all told, in winter; possibly not over 5,000. Nearly half of them come out.

**Senator DILLINGHAM.** The wealthy ones all go out in the fall?

**Major RICHARDSON.** Yes, sir.

**Senator DILLINGHAM.** And return in the spring?

**Major RICHARDSON.** Yes, sir; it depends a good deal on the different sections as to whether they can do winter work to advantage or not. In Fairbanks they do a great deal of winter work, and they do some in Nome, but not so much.

**Senator FRAZIER.** Has agriculture been developed in the Tanana Valley to any considerable extent?

**Major RICHARDSON.** Yes, sir; to quite a considerable extent.

**Senator FRAZIER.** Are there farms there?

**Major RICHARDSON.** They have some very nice farms there—truck gardens and patches; and they have grown and are now growing there successfully all kinds of vegetables, ordinary garden vegetables.

**Senator FRAZIER.** About what percentage of the population live along the coast down toward Juneau, on that side?

**Major RICHARDSON.** I should think about a third of the population.

**Senator FRAZIER.** About a third of the entire population of the Territory?

**Major RICHARDSON.** About a third of the population of the entire Territory, I think. Four or five years ago I should have said that the population was almost evenly divided between a third in southeastern Alaska, a third in the interior, and about a third in the Seward Peninsula. Those proportions have now shifted somewhat, so that the Seward Peninsula or the Nome section and the interior have somewhat diminished in population, whereas the southern coast population has increased on account of the activity in railroad building there. Cordova is quite a town, on account of this so-called Guggenheim railroad.

**Senator DILLINGHAM.** Major, you have spoken about the Tanana Valley. That is the best agricultural region of Alaska, is it not?

**Major RICHARDSON.** It is the best-settled region. I think the most favored section, Senator, is what is known as the Sushitna Valley, on Cook Inlet, which opens out as you go to the ocean.

**Senator DILLINGHAM.** That is on the south coast?

**Major RICHARDSON.** Yes, sir.

**Senator DILLINGHAM.** Where they get the influence of the Japanese current?

**Major RICHARDSON.** Yes, sir.

Senator DILLINGHAM. Taking the Tanana Valley, what is raised there, outside of lettuce and cabbages and celery and turnips? Outside of the articles I have mentioned, what is raised there?

Major RICHARDSON. They grow potatoes. Did you mention potatoes?

Senator DILLINGHAM. Yes.

The CHAIRMAN. No; you did not.

Senator DILLINGHAM. The potatoes are quite like the turnips, are they not—that is, pretty watery?

Major RICHARDSON. No; in the last three or four years they have been getting very good potatoes there. They are dry and white and excellent. Up to the time you came through there we had not gotten any very good potatoes.

Senator DILLINGHAM. No; they were all very watery.

Major RICHARDSON. Yes; owing to the wildness of the soil, or trouble with the seed, or something. But now you can get just as good potatoes there as you can in the States—excellent ones.

Senator DILLINGHAM. When I was there I was unable to find any kind of grain ripening, except in one place. A few quarts of very black Russian oats that had been ripened there were shown me. What has been raised in the way of grain since that time—that is, commercially speaking?

Major RICHARDSON. They are ripening now, at the experiment stations, all kinds of grains—several varieties of barley, rye, oats, and timothy.

Senator DILLINGHAM. Where are these experiment stations located?

Major RICHARDSON. At Rampart, Fairbanks, the Tanana Valley, and one or two other places.

Senator PILES. Are there any farmers engaged in raising oats there?

Major RICHARDSON. Not that I know of.

Senator DILLINGHAM. Have they raised any of these articles in merchantable quantities?

Major RICHARDSON. No; I think not. They have grown hay there. They have raised hay.

Senator DILLINGHAM. Oh, yes; they have the natural grass.

Major RICHARDSON. Yes; they have fine natural grass similar to bluegrass.

Senator DILLINGHAM. But these things in the interior are all raised on land where the ground is frozen?

Major RICHARDSON. Yes, sir; the frost goes out and goes down.

Senator DILLINGHAM. The frost gets out of the surface, but it does not go to the bottom at all.

Major RICHARDSON. But, of course, you must consider in that connection, Senator, that the people who are in Alaska now are not a farming population. They are people who would not farm anywhere, in any country. They are mostly mining people. There are just a few who find it advantageous to have truck patches and grow stuff for sale to the local towns.

Senator FRAZIER. They farm to feed the miners?

Major RICHARDSON. Yes, sir; that is all. There are a few farmers down on the Kenai Peninsula, near Cook Inlet, who have gone in and taken up homesteads just for the purpose of farming and nothing else.

Senator NELSON. That is where the Russians started their experiment in farming—on the southwest side of the Kenai Peninsula.

Major RICHARDSON. I think the Senator on my right said that I had better leave a copy of this bill here. I will do it; but I should like to have the members of the committee look over this railroad bill, and see whether, on looking it over carefully, there is any justification in the charge that it was framed up in the interest of the Guggenheim people. I think that must be the foundation of the statement made here.

The CHAIRMAN. That is the railroad bill?

Major RICHARDSON. That is the railroad bill.

The CHAIRMAN. Oh, well, that is all right. We are not considering that. It was brought in collaterally.

Senator KEAN. The Guggenheims are building a railroad there, are they?

Major RICHARDSON. Yes, sir. As a matter of fact, they have in the past opposed the idea of giving aid to railroads, because they have thought it would benefit somebody else.

Senator KEAN. As a matter of fact, they are the only people who are building up there, are they not?

Major RICHARDSON. Yes, sir; they are the only ones who are making progress.

Senator KEAN. They are the only people who are really putting in money, are they not?

Major RICHARDSON. Yes, sir.

Senator KEAN. There are lots of paper roads, I know.

Major RICHARDSON. Of course, that is known as the "Guggenheim road;" but there are, I suppose, other financiers in New York putting money into it. I imagine it is distributed around as those things usually are.

Senator HUGHES. What is the name of the company that is building that road?

Major RICHARDSON. It is known as the "Katala Construction Company." The name of the road is the Copper River Railroad.

The CHAIRMAN. Have you anything further to say, Major Richardson?

Major RICHARDSON. Referring again to the provision in the railway bill relating to the lease of coal lands, I omitted to state to the committee that the idea of incorporating it in the bill came to me through a resolution of similar character passed by the American Mining Congress, a copy of which was sent me, but having no connection whatsoever with the bill.

No suggestion whatsoever came to me from any private corporation or enterprise. An examination of the provision will show that an effort has been made to protect the Government's interests and supply coal for naval uses, and it seemed to me that its incorporation in the bill would be a practical means of bringing this subject up for a proper discussion and determination.

In this connection I will read an extract from a memorandum submitted by me to the Secretary of War two years ago:

Not only am I convinced of the futility of dependence upon private enterprise and capital to accomplish what is needed for Alaska's development, but every day emphasizes to my mind the necessity for making more readily available at an early date the resources of that region, and more particularly its

extensive coal deposits, with the establishment of suitable coaling stations and with improved communication by land, to the end that the Territory may become what, by its geographical position, it is entitled to be, a valuable strategic base, in case of necessity, for operations in the Far East.

Any bill offered should for these reasons, in my opinion, leave the determination of the routes to be aided to the Secretary of War, under direction of the President, with certain limitations as were contained in one of the bills of two years ago.

I have been impelled by a sense of duty and a desire to accomplish something in the development of Alaska's resources, and by no other interest or consideration whatsoever. What work I have done in the matter has been frankly and openly done, and I have endeavored to confine myself within limits of endeavor that seemed proper under the circumstances.

I do not think I have anything further to say, except to thank the committee very much for giving me this time.

The CHAIRMAN. Thank you very much for your attendance.

(The committee thereupon went into executive session, after which it adjourned.)

COMMITTEE ON THE TERRITORIES,  
UNITED STATES SENATE,  
Washington, D. C., Saturday, January 22, 1910.

The committee met at 2 o'clock p. m.

Present, Senators Beveridge (chairman), Dillingham, Burnham, Kean, Dick, Piles, and Clarke, of Arkansas.

STATEMENT OF MR. W. B. HOGGATT, FORMER GOVERNOR OF ALASKA.

The CHAIRMAN. Governor Hoggatt, please state your name and residence.

Mr. HOGGATT. W. B. Hoggatt; residence, Jualin, Alaska.

The CHAIRMAN. You have until recently been governor of Alaska?

Mr. HOGGATT. Yes, sir.

The CHAIRMAN. How long were you governor of Alaska?

Mr. HOGGATT. Three and a half years.

The CHAIRMAN. State what experience you have had with Alaska heretofore.

Mr. HOGGATT. I have spent the greater portion of every year there for the last fifteen years—first as a naval officer, engaged in surveying the waters of southeastern Alaska; then as a mining engineer, mining superintendent, and mine owner; and, lastly, as governor of the Territory for three and a half years.

The CHAIRMAN. When were you last there?

Mr. HOGGATT. I left there the 24th of October.

The CHAIRMAN. What would you say as to the number of white people in Alaska?

Mr. HOGGATT. Not to exceed 30,000; somewhere between 25,000 and 30,000 at this time of the year.

The CHAIRMAN. What is the total population of Alaska?

Mr. HOGGATT. About 60,000. There are about as many natives as there are white people.

The CHAIRMAN. And what do you term "natives?"

Mr. HOGGATT. Indians and Eskimos.

The CHAIRMAN. What about the location of these white people?

Mr. HOGGATT. They are scattered in small camps from Ketchikan to Nome—a distance of about 1,700 miles.

The CHAIRMAN. What about the facilities for transportation and communication?

Mr. HOGGATT. In southeastern Alaska they have excellent facilities for transportation the year round, though, of course, a great deal better in the summer time than in the winter, as there are more steamers running to that section in the summer time; and as far west as Seward, along the south coast, they have excellent facilities for communication all the year round. West of Seward, along the Aleutian Islands, communication is infrequent—about once a month, but all the year round. At Nome there is water communication only from the middle of June until about the middle of November. At Fairbanks and in the Yukon Valley country there is water transportation from the 10th of May until the middle of October. After that they must go by trail from Valdez across the coast range of mountains by sled or foot.

The CHAIRMAN. You may make any further statement that you desire before the committee, Governor Hoggatt.

Mr. HOGGATT. My attention was called to a statement by Judge Wickersham, our Delegate in Congress, with reference to my being in Washington during the period when I was governor of Alaska, and charging me with being a lobbyist for the Guggenheims. I should not dignify this charge with a denial but for the fact that I anticipated, from reading his statement before the committee, that it is intended more for political use in the Territory than it is for the enlightenment of the committee. For that reason I deemed it best to make a formal denial of the charge, in order that it might not be stated in Alaska that my attention had been called to this unqualifiedly false charge, and that I had had an opportunity to deny it and had not done so.

I was here each winter during my term of office by direction of the President of the United States and the Secretary of the Interior, who asked me to remain in order that when matters pertaining to the Territory were referred to them I could give them the benefit of such local information and knowledge as I might possess. Their experience and mine had demonstrated that without a local knowledge of men and conditions in the Territory the proper interpretation of efforts before the departments and Congress could not be had.

The charge is embodied in a statement of the Delegate with reference to the prohibition of gambling in the Territory. He has introduced in Congress a bill, one section of which prohibits gambling. I will state to the committee that this prohibition was inserted in the Delegate's bill by reason of my insisting that if any attempt was made to redeem the promises made to the gamblers by Judge Wickersham and his campaign managers to reopen the towns in Alaska which I had succeeded in closing during my term of office, I would continue to fight the effort, not only while I was governor, but so long as I lived. I stated that those towns were closed and would remain closed despite any promises that would be made, if it was necessary to bring the outside influences of churches and temperance societies of the United States to bear on the situation.

The CHAIRMAN. What have you to state about the charges made against you?

Mr. HOGGATT. I state that they are unqualifiedly false; that is all.

The CHAIRMAN. You say that you were here during such time as you were in Washington at the order of President Roosevelt?

Mr. HOGGATT. At the direction of the President and the Secretary of the Interior.

The CHAIRMAN. Is there anything else?

Senator CLARKE, of Arkansas. Yes. What business connection have you in Alaska?

Mr. HOGGATT. My brother and I own about 80 per cent of a gold mine in southeastern Alaska.

Senator CLARKE, of Arkansas. Is that all?

Mr. HOGGATT. That is all the business interest I have in Alaska.

Senator CLARKE, of Arkansas. Are you employed or associated in any way with what are known as the Guggenheim interests, either in transportation or mining operations?

Mr. HOGGATT. I am not and never have been. I have no interests in Alaska except an interest in the Jualin mine.

Senator CLARKE, of Arkansas. In behalf of what particular measure is it charged by Delegate Wickersham that you are engaged in lobbying in the interests of the Guggenheims?

Mr. HOGGATT. I do not know.

Senator CLARKE, of Arkansas. Did he make the charge generally; that you were a lobbyist generally?

Mr. HOGGATT. Yes.

Senator CLARKE, of Arkansas. Or that you were lobbying for some particular measure?

Mr. HOGGATT. Here is his expression:

Governor Hoggatt, who has been a head lobbyist for (the) Guggenheims, had been here four or five years, while being paid a salary as governor of the Territory of Alaska, etc.

Senator CLARKE, of Arkansas. And you now say you never had any communication with the Guggenheims?

Mr. HOGGATT. None whatever.

Senator CLARKE, of Arkansas. What possible justification did he have for making that statement?

Mr. HOGGATT. None.

Senator CLARKE, of Arkansas. Is it the habit of persons resident in Alaska, when they are divided about any proposition, to make the charge that each is lobbying for some unpopular interest?

Mr. HOGGATT. I am afraid it looks pretty much that way.

Senator CLARKE, of Arkansas. Then any attempt to get at the real public opinion of the locality would have to encounter that constitutional difficulty?

Mr. HOGGATT. Yes; I think so.

Senator CLARKE, of Arkansas. Then you would not know which one to believe?

Mr. HOGGATT. Not unless you know the people; you could not determine otherwise.

Senator CLARKE, of Arkansas. Unless you know them in their daily employment and their actual relations to people, and not their reputed relations?

Mr. HOGGATT. Yes; you would have only this difference to guide you, Senator: The governor is appointed and is responsible under his oath of office to the President of the United States, whereas an elective Delegate is responsible to people scattered over a tremendous territory, and is naturally desirous of reelection, and is dependent upon them for reelection. He is more anxious to create an issue of some kind for campaign purposes than to secure legislation of real benefit to the Territory.

Senator CLARKE, of Arkansas. You do not know, then, why Judge Wickersham charged you with being a lobbyist?

Mr. HOGGATT. Judge Wickersham has probably not felt very kindly toward me since he resigned as judge rather than face charges which I was prepared to make to the President if the judge had not decided that he had best resign. There has been a great deal of turmoil about the Guggenheims up there. That has been the charge about everybody that had anything to do with the railroad situation.

Senator CLARKE, of Arkansas. Is that charge made by a representative of other interests, or is it just made by the population generally?

Mr. HOGGATT. No; it is made generally. It was started, I think, by the various railroad interests which were applying to Congress for special legislation. I held out against such legislation throughout my term of office, feeling that the general law was one which amply protected the public. Under it no one can get exclusive control of a canyon, pass, or defile, but when the rails are laid the Secretary of the Interior will determine the freight rates and passenger tariffs.

Senator CLARKE, of Arkansas. You say you brought that about?

Mr. HOGGATT. No; that was brought about in 1898, during the time of the rush to the Klondike, as the result of the first efforts to get a special franchise for railroads.

Senator CLARKE, of Arkansas. Have you any counter suggestion to make—that Wickersham is interested in lobbying for any particular interest?

Mr. HOGGATT. No; I do not know anything about it. He is not lobbying; he is just humbugging, that is all.

Senator CLARKE, of Arkansas. I simply wanted to know his real relation to the question. One side of these controversies, then, is said to be humbugging and the other to be lobbying? Those are the standard charges that are made?

Mr. HOGGATT. Yes; those are the charges. There has been a whole lot of moonshine about the whole country—about the conditions, about what is in there and what is not, and all that sort of thing. What I have been trying to do is to get some Members of Congress to go up there and take a look at the country and see what is there.

Senator CLARKE, of Arkansas. What about the people up there? Have you as many people there as you had in 1897?

Mr. HOGGATT. Yes; probably as many as we had in 1897. You see, the people did not begin to go in there until about 1900.

Senator CLARKE, of Arkansas. I thought your greatest population was in 1897, during the depression here.

Mr. HOGGATT. Oh, no. That was in the Yukon country, the Dawson country.

The CHAIRMAN. Major Richardson testified that they began to go out about 1905.

Mr. HOGGATT. The rush to the Dawson country was in 1897. In 1899 and 1900 they went to Nome, and during the summer of 1900 there were probably 20,000 people on the Seward peninsula. There are about 4,000 there now. Our population has remained practically the same for the last ten years.

Senator CLARKE, of Arkansas. Have you not a migratory population, or a migratory element included in your population—that is to say, those who come in during the summer and go away before the winter?

Mr. HOGGATT. Oh, to some extent; yes. There is a very large migratory population at that time. The percentage of migratory population is smaller now than it was then, I think.

Senator CLARKE, of Arkansas. Why is it smaller now?

Mr. HOGGATT. There has been a greater development. There are more men actually mining and not so many men up there stampeding and running around hunting for claims. As the camps get older more men are employed permanently.

Senator CLARKE, of Arkansas. Is the population of the region distributed pretty uniformly over the Territory, or is it located at three or four points?

Mr. HOGGATT. It is located at about five or six points.

Senator CLARKE, of Arkansas. How distant are they one from another?

Mr. HOGGATT. From 250 to 500 miles.

Senator CLARKE, of Arkansas. What is to be found in the intervening territory?

Mr. HOGGATT. Hills and water and whatever is contained therein.

Senator CLARKE, of Arkansas. There is no such contiguity as would enable them to confer one with another, to determine what is the public opinion of the whole Territory, is there?

Mr. HOGGATT. No. The local and sectional feeling in the towns is intense throughout all the Territory.

Senator CLARKE, of Arkansas. And the people in one town know nothing about what is going on in another?

Mr. HOGGATT. Not much, and they care less.

Senator CLARKE, of Arkansas. What do you know about the condition of agricultural industry there?

Mr. HOGGATT. We have not any agricultural industry yet. We have some valleys in the interior, the Kuskokwim and the Tanana valleys. The Tanana Valley varies from 50 to 100 miles wide and is about 250 miles long. It contains level ground, with more or less alluvial soil. In and around Fairbanks they have grown vegetables very successfully. They grow rapidly and large. They have ripened some wheat; and I expect that in time they can develop some agricultural possibilities. I am on the fence about that. My feeling about it has been, though, that that valley and the Kuskokwim Valley offer a good chance for agriculture, and that if a railroad was built in there it would probably develop when the lands in the States were all taken up. It is an asset of the Government, and I think from a business standpoint it would undoubtedly pay for the Government to assist in building a railroad there.

Senator CLARKE, of Arkansas. Let me get at it in another way, Governor. Take that most-favored valley, near Fairbanks. At what time does the frost disappear sufficiently to enable the people to begin to prepare for a crop?

Mr. HOGGATT. About the 1st of May, I understand.

Senator CLARKE, of Arkansas. Then what time does it reappear so as to prevent the gathering or transportation of the crop?

Mr. HOGGATT. It varies a little, according to local conditions; but generally toward about the middle of August. They have about one hundred days.

Senator CLARKE, of Arkansas. Then whatever is grown in that region would have to be planted and mature before the 1st of September?

Mr. HOGGATT. Yes; in about one hundred days.

Senator CLARKE, of Arkansas. Does the wheat do that?

Mr. HOGGATT. They claim that it does.

Senator CLARKE, of Arkansas. Is it not a matter that you would take some interest in as governor to know whether or not the claim is founded on actual conditions?

Mr. HOGGATT. I have taken a decided interest in it. When I became governor there was great agitation about transportation. Promoters were down here saying we could grow all sorts of things, and one of the first things I did was this: There was in that Territory an agent of the Department of Agriculture who had a lot of garden patches around the beach in southeastern Alaska, where the land all stands on end. I went to that gentleman and told him that if he did not abandon some of those stations along the coast and concentrate his efforts in the interior valleys, where we had some level land that you could put a plow in, I would see if I could not get his appropriation stopped. So he took up some land in and about Fairbanks. He was just about getting under way when I quit office; and the determinations of the men who are farming about there had not reached that stage where I could get any definite information as to their success.

Senator CLARKE, of Arkansas. Did you ever see a wheat field growing in Alaska?

Mr. HOGGATT. Yes; I did.

Senator CLARKE, of Arkansas. Where, and of what size?

Mr. HOGGATT. I saw it at Rampart. I was across the river from it. It had not matured. When I got to Fort Gibbon the agricultural agent was there, and he asked me if I had been to visit his experimental station? I said no; that I saw it across the river. He wanted to know why I had not. I said: "Why, green grain does not mean anything to me. If it had been ripened, I would have gone to see it. The thing I am interested in is this: I want to find out whether this country will ripen grain. I know that there will be strong efforts made to run a population in here, and I do not want them to go in until we are sure that they can live off the soil; for it will work untold hardship if they can not."

Senator CLARKE, of Arkansas. Why did you not attach any importance to a green field—a field growing in the green?

Mr. HOGGATT. If the frost came and nipped it, and destroyed the crop before it matured, it would be of no value.

Senator CLARKE, of Arkansas. Then you never saw a matured wheat field in that Territory?

Mr. HOGGATT. No.

Senator CLARKE, of Arkansas. Did you ever see any wheat that had been grown in that Territory?

Mr. HOGGATT. I have seen wheat that they said was grown there, and I think it was. The best information I have ever been able to gather on that subject, and that which was the most conclusive to me, was derived this summer. I was informed from a source that I think is absolutely reliable that a man, I think named Young, residing in or about Fairbanks, got hold of a couple of handfuls of German seed about three years ago. He planted it and harvested it, and replanted it next year, and then again this year; and I was told that he now has about an acre of wheat growing. That is the best evidence of the grain-growing possibilities of the Territory that I have had; because this man had taken the grain, sown it, harvested it, and resown it; and that is evidence that it can be done.

Senator CLARKE, of Arkansas. Outside of the wheat you saw growing on the experimental farm, and the acre that you have heard is now growing in the vicinity of Fairbanks, what other wheat fields in Alaska do you know anything about?

Mr. HOGGATT. Oh, there are none. There is no demand to grow wheat; there would be no inducement to grow wheat at present.

Senator CLARKE, of Arkansas. Why not?

Mr. HOGGATT. In the first place, I think that is about the first case where they have been sure they could mature the grain, and it would be an uncertain crop. The men there are not farmers. They are all miners. When they go to farming, the population that is now in the interior country will all march out. The last time I was there the people took me out to see their gardens, and all that sort of thing. I said: "Yes; I know this stuff will grow, and I have no doubt that you can maintain agriculture. But," I said, "the first carload of farming machinery that comes in here, every one of you fellows will leave the country, because you are not farmers. You are miners, and you will not stay." There will have to be a new population, a new kind of people, to do that. The men there now are miners.

Senator CLARKE, of Arkansas. You have been there fifteen years, I believe?

Mr. HOGGATT. Yes.

Senator CLARKE, of Arkansas. You went there first in connection with the coast survey?

Mr. HOGGATT. Yes; I was a naval officer.

Senator CLARKE, of Arkansas. Then, if there had been any bona fide attempts made to introduce agriculture there, you would have known something about it, would you not?

Mr. HOGGATT. I was on the coast. The land is very rugged and mountainous, and there are no areas along the coast of sufficient size to make agriculture a business. The only cultivable lands are the sand spits at the mouths of the mountain streams. They are limited in area.

The CHAIRMAN. If you will let me interrupt you, Senator Clarke. You were along the coast during most of the fifteen years?

Mr. HOGGATT. Yes.

The CHAIRMAN. But you have just stated that as governor you went up into the Yukon and Tanana districts?

Mr. HOGGATT. Yes; I went through the country twice during the three and a half years I was governor.

Senator CLARKE, of Arkansas. Then when you speak of the agricultural and horticultural possibilities of Alaska you have reference to these little areas you speak of in the wheat line and such vegetables and fruits as will grow between May and September?

Mr. HOGGATT. Yes. My idea has always been that we ought to make a fair determination of what that country will grow, and the best way to grow it, before we make any strong effort to attract a population there to engage in agriculture, because conditions are unknown and new. The life would be rather hard, and they ought to be prepared with information as to how to get the best results in the quickest possible time. Otherwise they could not succeed, and the men who went to this new country to farm would suffer undue hardships in the event of any crop failure.

Senator CLARKE, of Arkansas. There will have to be some form of agriculture that is adapted to the short season and the frigid climate of the Territory?

Mr. HOGGATT. Yes; and the Government ought to make a determination in that respect before there is any effort made to induce population to go there and engage in that business.

Senator CLARKE, of Arkansas. So as to ascertain what is suited to the local surroundings?

Mr. HOGGATT. Yes.

The CHAIRMAN. Senator Clarke, may I interject a question there, if I have not already asked it?

Senator CLARKE, of Arkansas. Yes, sir.

The CHAIRMAN. Did I ask you about the facilities for transportation, Governor Hoggatt? I believe I did.

Mr. HOGGATT. No; I think not.

The CHAIRMAN. What is the ease or difficulty of getting about, say, from the coast to Fairbanks, and from Fairbanks to Nome? What about trails or roads? How much is there of roads or trails?

Mr. HOGGATT. I do not know; I would have to go over the reports of the board of road commissioners to get those statistics. There is a good trail from Valdez to Fairbanks. The road commission has been endeavoring to make that wagon road a summer road—one that can be used during the summer.

The CHAIRMAN. Do you mean by a trail?

Mr. HOGGATT. They use two-horse sleds during the winter.

The CHAIRMAN. And during the summer how far is that road open to wagons?

Mr. HOGGATT. It is partially opened all the way. I think they contemplate having it finished by another summer, so that you can go across on wheels all during the summer.

The CHAIRMAN. At present during the summer you go on horses or mules?

Mr. HOGGATT. Yes; you can go across there all summer.

The CHAIRMAN. On horses or mules?

Mr. HOGGATT. Yes. But that crosscuts the best-known undeveloped mineral section that we know of in the territory, and will enable

the people to go back and forth with their outfits for prospecting until such time as they may be able to find something justifying a more expensive mode of transportation.

Senator CLARKE, of Arkansas. One of the ways we have of finding out conditions there, Governor, is to develop the differences between you and those who do not agree with you. You say you have suppressed gambling in Alaska?

Mr. HOGGATT. Yes.

Senator CLARKE, of Arkansas. How did you do that? What authority did you have in connection with the subject that enabled you to do it?

Mr. HOGGATT. I got it through the Department of Justice.

Senator CLARKE, of Arkansas. What did you get through the Department of Justice?

Mr. HOGGATT. I told the President I wanted to stop gambling, and I asked him if he would back me? He said he would. I went to the Department of Justice and asked the Attorney-General to direct the marshals to seize the gambling paraphernalia, and to tell the district attorneys to be in no hurry to try the cases. He suggested that they had made futile efforts to close gambling for a good many years, and had tried unsuccessfully to convict the gamblers; and the district attorneys wrote that it was impossible to do so. I suggested that I did not want to convict anybody; that I wanted to stop it, and I did not think that they could gamble if they had no paraphernalia.

Senator CLARKE, of Arkansas. Why were the prosecutions unsuccessful?

Mr. HOGGATT. On account of the local sentiment. The towns were controlled absolutely by the gambling element.

Senator CLARKE, of Arkansas. What about the juries and the courts? Do you mean that the courts would not instruct as to the law, or that the juries would not find the facts?

Mr. HOGGATT. The juries would not find the facts.

Senator CLARKE, of Arkansas. That is the kind of population you have there, is it?

Mr. HOGGATT. Yes.

Senator CLARKE, of Arkansas. Judge Wickersham opposes that policy of yours, does he? Is that the situation?

Mr. HOGGATT. No; he is in line with it now. He always had opposed it until we put the lash to him, and he was afraid. He had to give in, and he did.

Senator CLARKE, of Arkansas. If you say the sentiment of the different towns is in favor of gambling, why was not that the big side of it?

Mr. HOGGATT. I felt this way about that: I knew when I undertook this work that I would be on the minority side.

Senator CLARKE, of Arkansas. Now you say Wickersham has gotten on that side because it is the big side?

Mr. HOGGATT. Yes.

Senator CLARKE, of Arkansas. How do you explain that discrepancy in your statement?

Mr. HOGGATT. I knew when I went into it that the sentiment was for open towns. I felt that if I could get rid of these people, as I believed I could, the sentiment would change in the course of three or four years. I believed they would realize that the business of their

town and their prosperity did not depend upon that interest. Men of that kind are always busy, always agitating their claim that gambling is necessary to circulate money, and that sort of thing; and I wanted to show them that it was not. During the time I was showing them, I knew that I was bound to have a tough time of it; but I was satisfied that ultimately they would see the truth of the matter.

Senator CLARKE, of Arkansas. While that explains your attitude, I want you to explain Judge Wickersham's attitude. You say that originally he was not in sympathy with that movement?

Mr. HOGGATT. No.

Senator CLARKE, of Arkansas. And that he is in sympathy with it now because he is afraid that if he is not he will fall under the ban?

Mr. HOGGATT. No; he is afraid you gentlemen will not give him as much credit as he might get otherwise.

Senator CLARKE, of Arkansas. Then your side is still in the minority so far as the citizenship of the different towns is concerned?

Mr. HOGGATT. I do not know whether it is or not, now. It is changing very decidedly in favor of closed towns. I am inclined to think that now most of the towns would probably vote against gambling.

Senator CLARKE, of Arkansas. But up to the present time the only remedy you have been able to resort to is to seize their gambling paraphernalia?

Mr. HOGGATT. Yes.

Senator CLARKE, of Arkansas. Not to impose any penalties on the people?

Mr. HOGGATT. No. After doing that, I got Congress to pass a new license law, about a year ago, which fixed the responsibility of enforcing the law upon the marshal and the district attorney. Up to that time the officials had been dodging it. Each one, not being specially charged with any particular duty in the line of enforcing it, had attempted and had succeeded in shoving the responsibility on to one of the other officers. This license act fixed the responsibility, and also put it in the power of the court to take away the license if the man who applied for it and secured it violated the conditions under which the license was issued.

Senator CLARKE, of Arkansas. Did I understand you to say that you passed a new license law?

Mr. HOGGATT. No; I said I secured its passage; I got Congress to pass a new license law.

Senator CLARKE, of Arkansas. That is what you mean?

Mr. HOGGATT. Yes.

Senator CLARKE, of Arkansas. I think that is about all I have to ask.

The CHAIRMAN. There is just one question I want to ask you, governor. It is this: What would you say, from your fifteen years' experience in Alaska and your last four years as governor, about the feasibility or desirability for the Territory of a legislature elected by the people?

Mr. HOGGATT. I think that any form of general election in that country, over such a large area, is a farce. Our delegate elections are farcical. Some one interest will always control. It may be the miners this year, the labor unions another year, and the corporations

or some other interest another year. But it will always be along some line of special interest; because we can not know each other. It is too big a country for any local general government.

Senator CLARKE, of Arkansas. Is there any necessity for a local law-making tribunal of any kind?

Mr. HOGGATT. I have never thought so, and do not think so now. I think we have the best government that was ever designed for a new territory. Our troubles have been with the personnel that was sent to administer the law. During my term of office I had to get rid of three judges and a district attorney, and have another one on the road, out of three divisions. That is the kind of men we had. And among the men I got rid of was Judge Wickersham.

Senator KEAN. Why, you sent him here as a Delegate.

Mr. HOGGATT. I did not.

Senator DICK. Governor, how do you handle educational matters under the present government?

Mr. HOGGATT. The governor is superintendent ex officio of the schools for children of white and mixed blood, outside of incorporated towns. These schools are provided for under what is known as the "Nelson Act," passed about four years ago, and are maintained by 30 per cent of the proceeds of licenses collected outside of the towns. The districts are created wherever there are 20 children of school age, and are scattered generally all over the country. The incorporated towns maintain their own schools. They elect their own school boards. All the license money collected within the towns is turned over to the town councils, and out of this they maintain their schools, without any superintendence or interference by anyone. Practically, so far as the white schools are concerned, a close superintendence is impossible, because no man can get around to find out what is being done. You have got to leave it up to the people most interested, and they are the parents who are on the school boards.

The natives are educated and cared for by the Bureau of Education under an appropriation of Congress. The schools are scattered from Point Barrow to Ketchikan, a distance of about 3,500 miles. The man in charge of education is the chief of the Bureau of Education in Washington. He has a chief of the Alaska division, who has direct charge of the local superintendents of the native schools in Alaska. The territory is divided now into four school districts, each of which has a superintendent who travels around inspecting the schools and carrying out the duties of his respective office. They have a disbursing office and purchasing office in Seattle, where they purchase their supplies for distribution throughout the territory.

Senator DICK. You have a large number of sectarian schools, have you?

Mr. HOGGATT. Nearly all the denominations are represented by schools and missions in different sections of the country. No government official interferes with them. In some instances the bureau of education has aided one or more of these schools by furnishing them an additional teacher. But that is all the assistance or aid any of them have had.

Senator DICK. They have had no appropriations?

Mr. HOGGATT. No appropriations.

Senator DICK. And the governor, as ex officio director of educational affairs, does not in any way interfere with them?

Mr. HOGGATT. He does not; he could not possibly do so, unless it should be with one of those teachers assigned by the Bureau of Education to a sectarian school who might be guilty of some misconduct, or something of that kind, which would draw the governor's attention to the particular teacher.

Senator DICK. How does that scheme work out?

Mr. HOGGATT. It is working out very well now.

Senator DICK. Then, as I understand it, you would not advise that any interference with the present system be made in this bill?

Mr. HOGGATT. I think it would be a mistake. Those schools are supported by yearly appropriations from Congress. Congress and the Appropriations Committees would naturally require information from year to year as to the expenditure of the money that is appropriated. As it is now, the officer responsible for the disbursement of the fund is here at the call of Congress whenever it sees fit; and you can administer territorial affairs of that character as well from Washington as you can from any other point. Those schools will always have to be supported by appropriations from Congress.

There was some distrust of the management of the schools a few years ago, which, I think, was simply due to the fact that the men in charge had become superannuated, and an attempt was made to put that duty upon the governor about the time I took office. I protested against it, because of the impossibility of the governor getting around. There is no means of travel; appropriations would be necessary; he could not be sure of them, and he could not lay out any plans. I thought it would be far better for the administration to be in the hands of the Bureau of Education, with the change that had been made, younger men and newer methods being adopted. So we bent our efforts toward extending the usefulness to which we could put the appropriation, until now we can use it for the care of the indigent Indians. We have given up a good deal of the book learning, and are teaching them more along industrial lines. The superintendents in Alaska are bright, capable young men, very much interested in the work; and we have, in the last few years, made some very considerable advancement in the care and treatment of the natives. How long we shall be able to maintain that I do not know, because the work is so discouraging. If you can not see results from your efforts, by and by you get discouraged, and that is the dangerous feature of work of that character. Whatever results you have are so slow in coming that if you keep the same men in the work too long they are apt to lose interest and get indifferent, and results fail.

Senator DICK. Then there is another condition, at least as to the natives up there. There is a great deal of concern about their health, is there not?

Mr. HOGGATT. Yes; there is a great deal of talk about it.

Senator DICK. I have heard a great deal of talk about it, but I do not know anything about it.

Mr. HOGGATT. Under the extension of the powers of the Bureau of Education, by reason of the changing of the wording of the appropriation (which allowed us to use a portion of it for medicinal purposes), we are taking up the question of the health of the natives and are employing doctors and nurses who look after their physical needs and welfare. We started in only a little more than a year ago, and the first thing we did was to gather some statistics as to the real con-

ditions. There is a lot of irresponsible talk about all the conditions up there. I insisted upon the doctors going out and making investigations of the health and physical conditions of the natives all through the southeastern section and getting some data upon which we could base our efforts in the future. That information was collected, and a system has been organized for the care and treatment of their physical needs. Incidentally, we took during two years a census of the natives in southeastern Alaska, where we could get at them and see what the increase and decrease was. We found an increase of just one out of about 10,000. There were just as many deaths as births, barring one. That is the only accurate information we have been able to get as to whether or not the native population is declining; and that would indicate that it is about at a standstill.

Senator DICK. What is the salary of the governor?

Mr. HOGGATT. Five thousand dollars.

Senator DICK. What other salaried officers are there under the present government? I refer, of course, to the principal officers.

Mr. HOGGATT. There is only one general officer, and that is the governor, who has a secretary. He is allowed to expend \$2,000 out of an appropriation of \$5,500 for clerk hire. Out of that he hires a secretary.

Senator DICK. And the surveyor-general?

Mr. HOGGATT. The surveyor-general has a salary of \$4,000. He is *ex officio* secretary of state.

Senator DICK. What is the fact as to the cost of living at Juneau? Is it very much higher than it is in the United States?

Mr. HOGGATT. No; it is about the same as it is in the cities. The cost of food products and things that you eat and wear is about the same in Juneau as it is in the cities. Of course, it is much higher than it is in the smaller towns. It costs us now about 80 cents a day per man to furnish food for men who are working—that is, buying things in large quantities. It used to cost about 65 to 70 cents, when I was feeding 100 men. I am referring now to the actual cost of provisions. They have gone up in price, so that it costs at my place about 90 cents per man for food. Then I have to prepare it, and furnish fuel, and all that sort of thing; so that it costs me a little over a dollar a day per man now, and that is about what it would run for the towns.

Senator CLARKE, of Arkansas. It was stated here a few days ago that there are 34 newspapers in Alaska. Do you know anything about them, their character, and where they are located?

Mr. HOGGATT. Every town, I think, has one or more. There are two at Juneau, one at Ketchikan, one at Wrangell, one at Skagway, two at Cordova, one at Valdez, one at Seward, three or four at Fairbanks, two at Nome, and one at Hot Springs. That is all I know of now; that is all that I can recall.

Senator CLARKE, of Arkansas. Have you ever seen any of them?

Mr. HOGGATT. Oh, yes; I am charged with being the owner of one of them.

Senator CLARKE, of Arkansas. Has Mr. Wickersham got one?

Mr. HOGGATT. I do not know.

Senator CLARKE, of Arkansas. Where do the papers circulate?

Mr. HOGGATT. Only locally. I do not think there is a paper in the country that has a circulation of over two or three hundred. The

population is all in the towns; and these papers are principally dailies. They receive skeleton news—telegraph news—and then expand it.

Senator CLARKE, of Arkansas. From what you say as to the distance from one place to another, I should think the news would be pretty ancient by the time it got to neighboring towns.

Mr. HOGGATT. Oh, no; we get the important news every day.

Senator CLARKE, of Arkansas. I mean, if you relied on newspapers outside of your own towns.

Mr. HOGGATT. Yes; it would. But if the editors keep themselves thoroughly informed as to what is going on in the States by reading the dailies that are published there, it is astonishing how accurately they can make up the news from these skeleton telegrams, if they are so disposed and do not want to color it. A few words will give them a great deal of news.

Senator CLARKE, of Arkansas. Then they make most of their "Associated Press" dispatches by a process of intuition?

Mr. HOGGATT. Yes; it is following out what has been published. Of course, down in our section the papers are only about 3 days old when we get them, and there is always a general trend of events that they can read. So when they get these little skeleton dispatches, if they refer to anything that has occurred before, it is easy enough to make the padding. That is what I mean.

The CHAIRMAN. That is all, Governor. We are much obliged to you.

(The committee thereupon adjourned.)



4

5

6

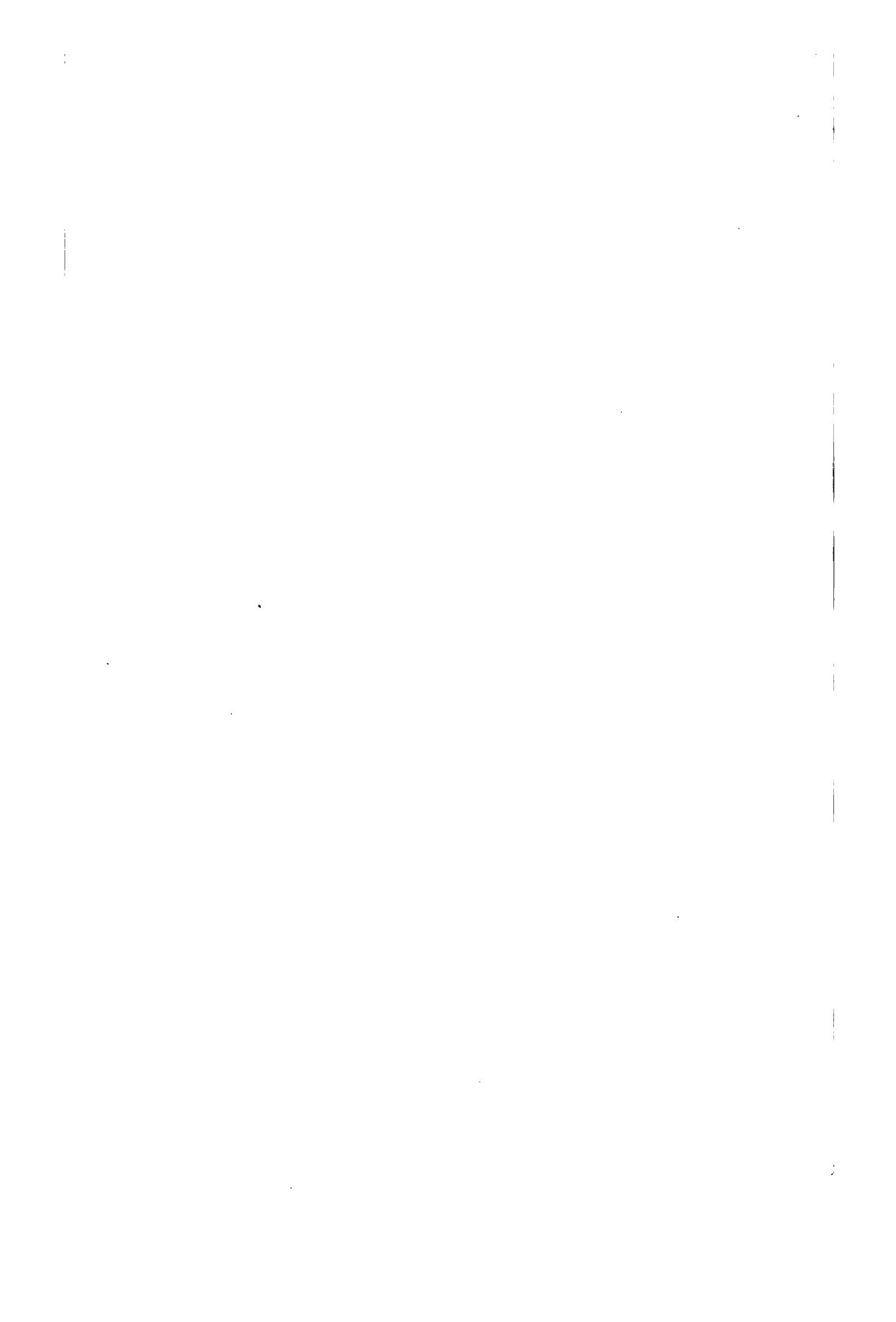
7

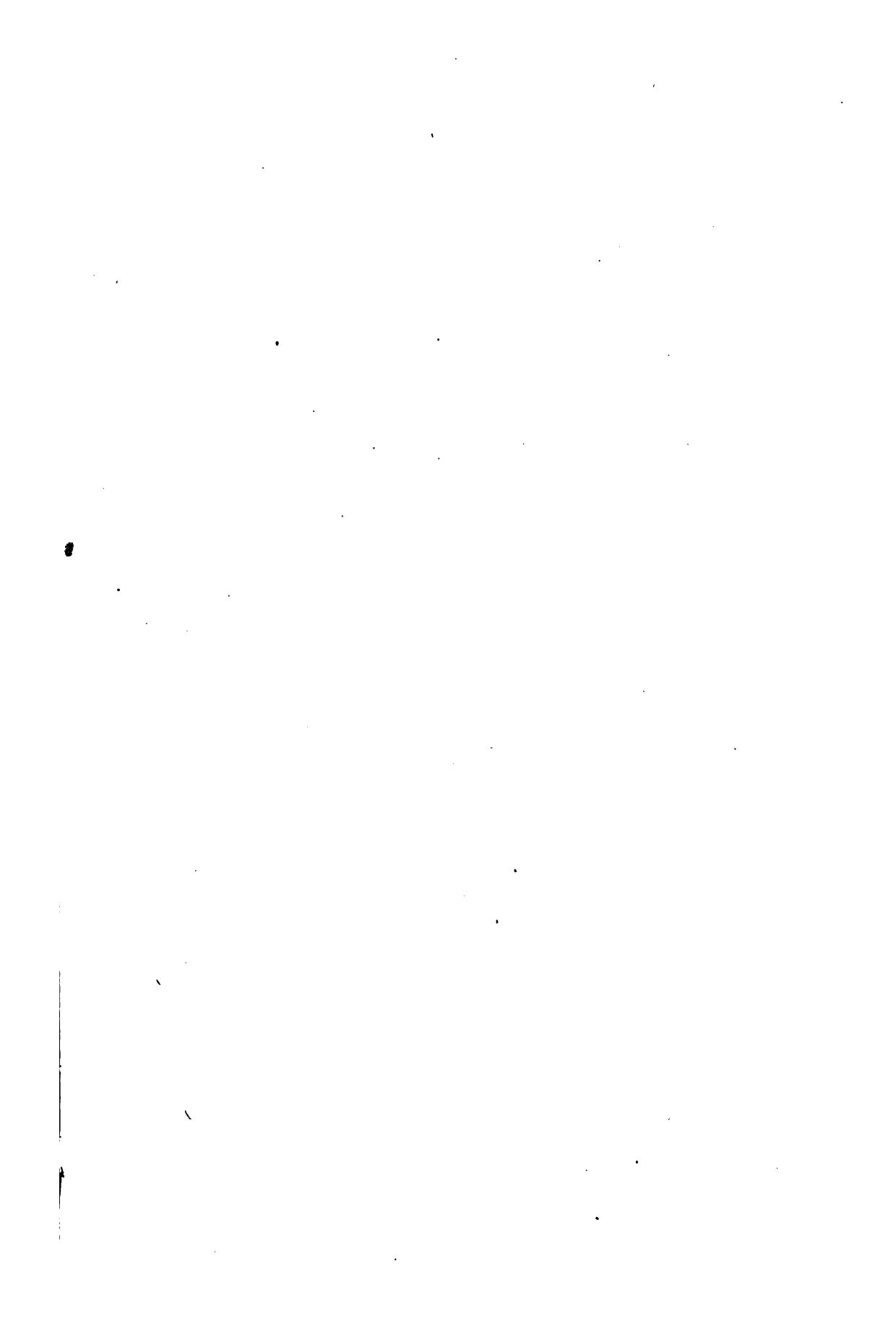
8

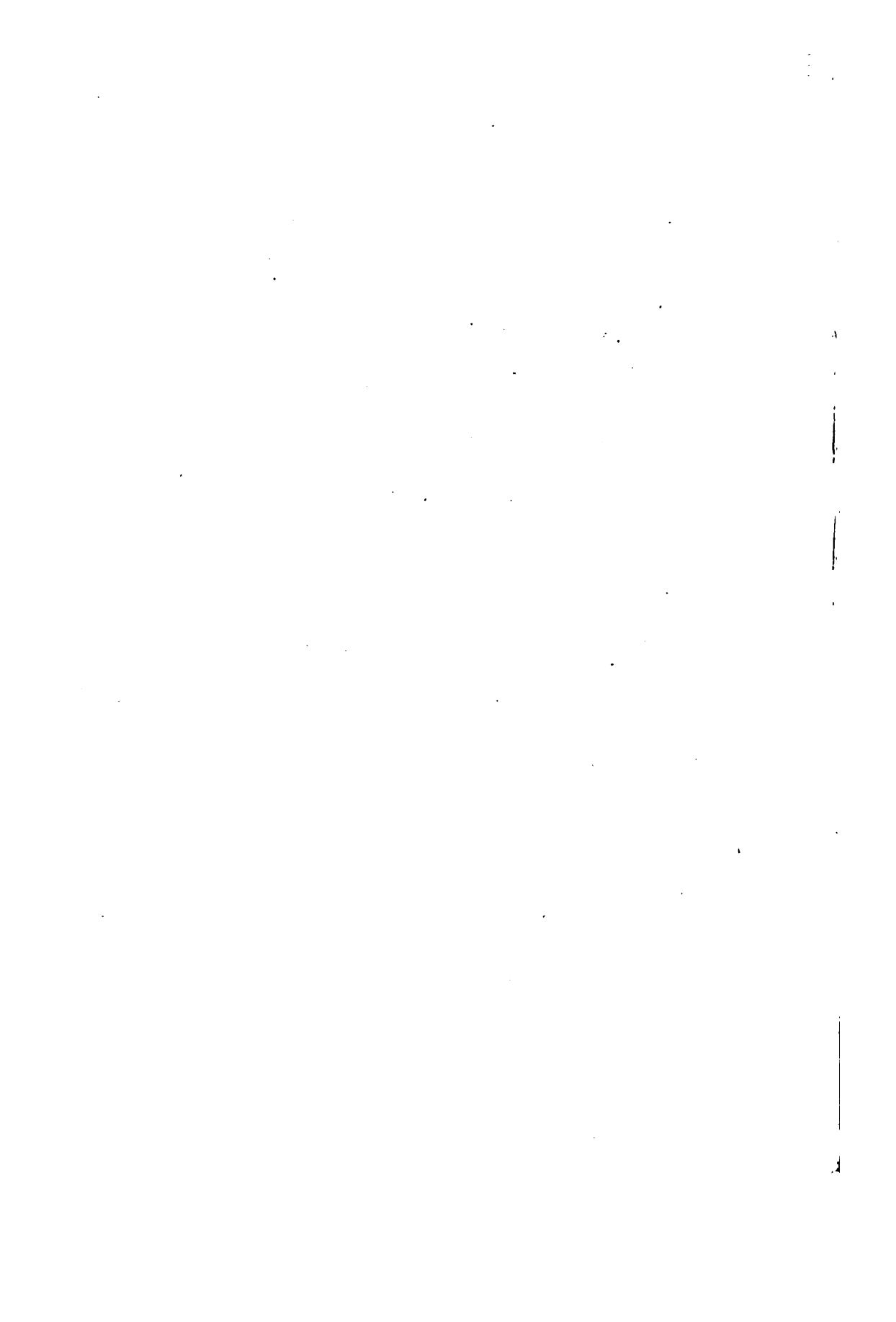
9

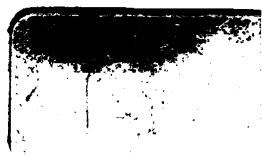
10

11









LIBRARY OF CONGRESS



0 018 659 802 7

